

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42065 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- BENIPATTI District- Madhubani

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1. Sujeet Kumar @ Gulab Son of Vishwanath Prasad.
 2. Vishwanath Prasad @ Vishwanath Hathi @ Bishwanath Prasad, Son of Late Pitambar Hathi, Both are Residents of Salimpur Ahra, Dwarkanate Lane, Kadam Kuan, P.S. Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Smt Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

9 18-09-2018 Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel for the informant..

The petitioners seek Anticipatory bail in connection with Benipati P.S. Case No. 37 of 2018 registered under Sections 341, 324, 326, 307/34 of the Indian Penal Code and 27 of the Arms Act.

Allegation against petitioners is that they had hired co-accused Punit Bind for committing the murder of informant and Punit Bind opened fire on the informant, due to which he was injured and was carried to PMCH.

It has been submitted on behalf of the petitioners that



there was business dispute between the parties from before and with respect to the same occurrence another FIR giving rise to Benipatti P.S. Case No. 35 of 2018 dated 12.03.2018 under Sections 25(1)(b)(a), 26(ii), 35 of the Arms Act and Section 37(b)(C) of Bihar Prohibition Act, 2016 was lodged in which petitioners have already been granted anticipatory bail by a Bench of this Court. Petitioners have no criminal antecedent, except the case which was lodged with regard to the same occurrence prior to lodging of the FIR in this case. There is no injury report in the entire case diary. Informant has appeared and filed counter affidavit in which also no injury report is enclosed. Annexure-1 injury report of his nephew Ranjan Kumar Pradhan is enclosed which is dated 02.12.2017 much prior to the occurrence. Annexure-2 is not injury report.

Learned Counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

Considering the facts and circumstances of the case, prayer of Anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees



Ten Thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., Benipatti, in connection with Benipati P.S. Case No. 37 of 2018.

(S. Kumar, J)

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