

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68509 of 2018

Arising Out of PS. Case No.-358 Year-2018 Thana- KUDRA District- Bhabhua (Kaimur)

1. Mohan Singh, Son of Manoj Singh @ Ghappu Singh.
2. Deepak Singh, Son of Manoj Singh @ Ghappu Singh @ Chhapu Singh.
3. Manoj Singh @ Chhapu Singh @ Ghappu Singh @ Manoj, Son of Mahendra Singh. All Resident of Village-Baru Ghat, Post-Nareya, P.S. Kudra, Distt.-Kaimur at Bhabua.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajani Kant Pandey, Advocate.
For the Opposite Party : Mr. Rajendra Prasad Nat,A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-11-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 504, 506, 307/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the petitioners were drinking alcohol in the plot adjoining to their house and uttering foul language. Some of the accused persons were carrying (*Katta*) country made pistol and one local implement *Raami* and in as an inebriated state they came near the house of the informant and threatened to kill him. It is also alleged that two rounds were fired one by the petitioner no. 1 and other by



petitioner no. 2. The first round missed the informant and hit a wall while the second round hit the gate. In the meanwhile, the informant, wife ducked and lay down on floor. Thereafter, the petitioner no. 3 hit the informant's wife on her neck with the said *Raami* because of which he fell down and hit a Chair. Thereafter, the informant called the police from the place of occurrence and also villagers gathered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. None is said to have been injured in course of occurrence. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of



the like amount each to the satisfaction of the learned C.J.M.,
Kaimur at Bhabua, in connection with Kudra P.S. Case No. 358
of 2018, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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