

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6389 of 2019

Arising Out of PS. Case No.-176 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

1. Ramesh Kumar Singh @ Ramesh Singh, S/o Biresh Singh
2. Shashikant Singh, S/o Biresh Singh
3. Rakesh Kumar Singh @ Rakesh Singh, S/o Biresh Singh
4. Biresh Singh, S/o Late Pitambar Singh

All are residents of village – Maghari, P.S. - Bhagwanpur Hat, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-02-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out Bhagwanpur Hat Police Station Case No. 176 of 2018, disclosing offences under Sections 341/323/307/379/504/34 of the Indian Penal Code.

Allegedly, petitioner no. 3 put a pistol on the temple of the informant; whereas, petitioner no. 2 assaulted him on his head with an iron rod. Petitioner no. 4 was also accompanying them. It is also alleged that they snatched a sum of Rs. 1 Lakh from the informant's pocket. When his sons came to his rescue, the said petitioners are said to have assaulted them also.



Learned Counsel appearing on behalf of the petitioners has submitted that apparently, no offence under Section 307 of the Indian Penal Code can be said to be made out in absence of any allegation of intention to kill. Had there been an intention to kill, the petitioner no. 3 would have used the pistol instead of just putting the same on the head of the informant. It has also been argued that there is another First Information Report registered on the basis of counter version of the same occurrence at the instance of petitioner no. 4 herein.

Considering the above noted facts and circumstances and the statement, at paragraph 3 of the application, that the petitioners have no criminal antecedent, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - II, Siwan, in connection with Bhagwan Hat Police Station Case No. 176 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners



shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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