

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17778 of 2019

Arising Out of PS. Case No.-365 Year-2018 Thana- BELAGANJ District- Gaya

-
1. Pawan Kumar, son of Ram Ekbal Sharma, Resident of Village- Banshi Bigha Sonma, Police Station- Makhdumpur, Distt.- Jehanabad.
 2. Viveka Nand Sharma, Son of Ramashray Sharma, Resident of Village- Panchamahla, Police Station- Tekari, District- Gaya.
 3. Kundan Sharma, Son of Kamal Kishore Sharma, Resident of Village- Ghiwariya, Police Station- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-03-2019 The petitioners seek bail in anticipation of their arrest in connection with Belaganj P.S. Case No. 365 of 2018 dated 28.12.2018 instituted for the offences under Sections 147, 148, 149, 341, 342, 387, 307 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners, though have been named in the F.I.R and are also alleged to have fired from their weapons while sitting in the vehicle but nobody seems to have been injured.

The allegation in the F.I.R indicates that a truck



loaded with sand was intercepted by some of the persons sitting in a vehicle including the petitioners. The informant is said to have been fired at from a close range but it did not hit him. With respect to the petitioners, it has been alleged that they also opened fire in the air while sitting in the car.

The learned counsel for the petitioners has submitted that but for the dispute between the petitioners and the informant because of both the parties carrying on trade in extraction and transportation of sand, it would not have been possible for the informant to have named the petitioners in the F.I.R with specific accusation. Had it been a simple case of interception of a vehicle for the purposes of looting or causing harm to the informant or others, the accused persons would not have laid bare their identity, for their being named in the F.I.R. The fact that no person has been injured even though several rounds of firing was resorted to, is clearly indicative of the fact that the present case is an offshoot of the business dispute between the parties.

The aforesaid contentions of the petitioner, it has



been argued, further gets buttressed by the clean antecedents of the petitioners.

Considering the aforesaid facts in totality, the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIth, Gaya in connection with Belaganj P.S. Case No. 365 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

