

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38781 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- CHENARI District- Rohtas

1. GUNJAN TIWARI Son of Uday Tiwari Resident of Village - Khurmabad, P.s.- Chenar4i Dist.- Rohtas.
2. Uday Tiwari @ UDAY PRATAP TIWARI Son of Late Kamta Tiwari Resident of Village - Khurmabad, P.s.- Chenari Dist.- Rohtas.
3. Vidya Sagar Pandey Son of Sumer Pandey Resident of Village - Khurmabad, P.s.- Chenari Dist.- Rohtas.
4. Dinanath Pandey Son of Ram Sumer Pandey Resident of Village - Khurmabad, P.s.- Chenari Dist.- Rohtas.
5. Vivek Pandey Son of Dinanath Pandey Resident of Village - Khurmabad, P.s.- Chenari Dist.- Rohtas.
6. Mirtyunjay Pandey Son of Ayodhya Pandey Resident of Village - Khurmabad, P.s.- Chenari Dist.- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh Mr.Sada Nand Roy
For the Opposite Party/s	:	Mr. R.B. Roy 'Raman', APP
For the Informant	:	Mr. Raghunandan Kr. Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-06-2019 Petitioner No. 4 has been arrested during the pendency of this application and accordingly this application to the extent it relates to the petitioner No.4 stands dismissed as having become infructuous.

I have heard learned counsel appearing on behalf of the petitioners, learned A.P.P. appearing for the State and learned counsel representing the informant.

This application for anticipatory bail arises out of



Chenari P.S. Case No. 47 of 2019 for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code and Section 27/30 of the Arms Act.

There is allegation in the First Information Report of making assault with *lathi, danda and garasa* (axe).

Learned counsel appearing on behalf of the petitioners has submitted that though there is allegation against petitioner No.2 of having assaulted one Jai Kant Pandey with a sharp cutting weapon on his head, no grievous injury has been found in the head of the said Jai Kant Pandey. All injuries have been found to be simple in nature except one, which is in the hand of said Jai Kant Pandey.

Learned counsel appearing on behalf of the informant has submitted that gun shot injuries have also been found, which submission has been denied on behalf of the petitioners.

Learned counsel appearing on behalf of the informant has not been able to point out that the petitioners (other than petitioner No.4) had resorted to opening fire, leading to any firearm injury.

Considering the facts and circumstances, this application is allowed.



Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Sasaram, Rohtas in Chenari P.S. Case No. 47 of 2019, subject to the conditions as 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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