

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36736 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- MANJHAGARH District- Gopalganj

1. Lalbabu Sah, Son of Shambhu Sah, Resident of Village - Jhajhwa, P.S.- Manjhagargh, Distt.- Gopalganj.
2. Bachcha Sah, Son of Uma Sah Resident of Village - Jhajhwa, P.S.- Manjhagargh, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41116 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- MANJHAGARH District- Gopalganj

Pankaj Prasad @ Pankaj Kumar, Son of Santosh Prasad Resident of Village- Jhajhwa, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36736 of 2019)

For the Petitioner/s : Mr.Pankaj Kumar Dubey

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

(In CRIMINAL MISCELLANEOUS No. 41116 of 2019)

For the Petitioner/s : Mr.Pankaj Kumar Dubey

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-09-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners in both the Cr. Misc. cases apprehend their arrest in connection with Manjhagarh P.S. Case No.01 of 2019 for the offence punishable under Sections 147, 148, 149, 341,



323, 324, 307, 504 and 414 of the Indian Penal Code, Section 27 of the Arms Act and Sections 4 and 5 of the Explosive Substances Act.

The allegation against the petitioners as per the First Information Report is that while the informant and his brother was sitting at their Bathan, the petitioners along with other co-accused persons and 15 unknown persons armed with various weapons arrived near the door of the informant and started playing obscene song on DJ music and upon objection being raised by his brother, co-accused, Raj Kumar Mahto, opened fired which hit near the knee of right leg of Raj Kumar Mahto. It has further been alleged that Bachcha Sah, i.e., petitioner No.2 in Cr. Misc. No.36736 of 2019 wanted to hurl bomb on his nephew, Nitish and then he snatched the bomb from the Bachcha Sah and petitioners along with accused persons having brandishing pistol fled away from the place of occurrence.

Learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case on trivial issue. Learned counsel further submits that both the parties belonged to the same village and no specific overt act has been alleged against these petitioners. Learned counsel further submits that similarly situated accused person has been



granted bail by this Court in Cr. Misc. No.16158 of 2019.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are from the same village and there is no criminal antecedent against the petitioners and further similarly situated accused person has been granted bail by this Court, as such, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, petitioner No.1, Lalbabu Sah and petitioner No.2, Bachcha Sah in Cr. Misc. No.36736 and petitioner, namely, Pankaj Prasad @ Pankaj Kumar in Cr. Misc. No.41116 of 2019, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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