

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52759 of 2019

Arising Out of PS. Case No.-70 Year-2019 Thana- MADHUBAN District- East Champaran

1. YOGENDRA PRASAD Son of Late Chlahi Bhagat Resident of Village- Lohargawa, P.S.- Madhuwan, District- East Champaran, Motihri
2. Akindra Prasad Son of Late Budhan Bhagat Resident of Village- Lohargawa, P.S.- Madhuwan, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-08-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Madhuban P.S. Case No. 70 of 2019, disclosing the offence under Section 307 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

There are four persons named in the FIR including the petitioners. There is allegation against petitioner no. 1 of having assaulted the informant with a country-made pistol in his head. Petitioner no. 2 is said to have used an iron rod hitting the vehicle which the informant was using.

Learned counsel for the petitioner has submitted that even if the allegation made in the First Information Report is taken to be true, there is no accusation of use of fire-arm and,



therefore, no offence under Section 307 of the IPC can be said to be made out.

Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for anticipatory bail.

However, 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 bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned CJM-IV, Motihari in Madhuban P.S. Case No. 70 of 2019, subject to the condition 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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