

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53882 of 2019

Arising Out of PS. Case No.-350 Year-2019 Thana- SONEPUR District- Saran

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1. KUNDAN KUMAR Son of Late Tuntun Singh Resident of Village- Sabalpur, Old Chai Tola, P.S.- Sonepur, District- Saran at Chapra.
 2. Shambhu Kumar Son of Jay Mangal Singh @ Prasad. Resident of Village- Sabalpur, Old Chai Tola, P.S.- Sonepur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rekha Prasad

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sonepur Police Station Case No. 350 of 2019, disclosing offence under Sections 341/323/504/307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioners, as per the First Information Report, is that while the brother of the informant, Deepak Kumar, was sitting along with his family members in his house, the petitioners, along with other, arrived there in search of brother of the informant and took him to nearby place for some talk and near the boring of Ram Eqbal Singh, there



was discussion between them and in the same, co-accused Aman Kumar took out a pistol from his waist and fired upon the brother of the informant.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to village politics. She further submits that the First Information Report has been lodged after a delay of two days on 20.05.2019. She further submits that from perusal of the First Information Report, it is evident that specific allegation of firing is against co-accused Aman Kumar and no specific allegation is made against the petitioners.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no specific allegation of firing is upon the petitioners and further there is delay of two days in lodging of the First Information Report, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 learned 1st Additional Chief Judicial Magistrate,



Saran, at Chapra, in connection with Sonapur Police Station
Case No. 350 of 2019, 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 bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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