

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81516 of 2019

Arising Out of PS. Case No.-150 Year-2016 Thana- PANDARAK District- Patna

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1. Santosh Kumar @ Santosh, aged about 28 years (Male), Son of Dularchand
 2. Ranjit Kumar, aged about 24 years (Male), Son of Krishan @ Krishnadev Prasad
 3. Satyendra Kumar @ @ Satyendra, aged about 22 years (Male), Son of Krishan @ Krishnadev Prasad, all resident of Village- Chhabilatar, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2020 Lawyers abstained from their work.

I have perused the records.

The petitioners apprehend their arrest in connection with Pandarak P.S. Case No. 150 of 2016 registered for the offences punishable under Sections 147, 148, 149, 323, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Meena Devi recorded by S.I., Upasana Kumari of Agamkuan P.S. on 22.11.2016 at 6.30 P.M. at Maa Tara Hospital is to the effect that on the same day at 2.00 P.M., all the accused persons being the agnates of the informant came and started throwing



bricks on the house of the informant in the background of land dispute. The matter was pacified but all the accused persons including the petitioner again came and attacked on the house of the informant. The petitioners were armed with country made pistol when co-accused Nawlesh resorted to fire which hit in the lower abdomen portion of the informant. Subsequently, the informant succumbed to the injuries.

The petitioner has been roped in the present case since the petitioners the agnates of the informant and in the background of earlier land dispute, the accusation has been levelled against the petitioners. Specific accusation of firing is against co-accused Nawlesh and corresponding injury has also been found on the person of the informant. A statement has been made in paragraph-3 of the petition that the petitioners are not having any criminal antecedent. The final form has been submitted against the petitioners by the police, but the court below took cognizance against the petitioners under Sections 147, 148, 149, 323, 307 and 302 of the Indian Penal code and Section 27 of the Arms Act.

It transpired that in the F.I.R., specific accusation against the co-accused person, namely, Krishnadev Prasad @



Krishan has been enlarged on anticipatory bail by a Co-ordinate Bench of this Court vide order dated 21.02.2019 passed in Cr. Misc. No.61391 of 2018. It further transpired that there is no specific allegation and overt act has been attributed against the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., Barh, Patna in connection with Pandarak P.S. Case No. 150 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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