

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26101 of 2020

Arising Out of PS. Case No.-115 Year-2020 Thana- DEEPNAGAR District- Nalanda

1. RANIT @ CHHOTE @ RANJIT KUMAR Son of Arun Singh Resident of Village- Beraoti, P.S.- Deepnagar, District- Nalanda.
2. Nitish Kumar @ Nanhe Son of Arun Singh Resident of Village- Beraoti, P.S.- Deepnagar, District- Nalanda.
3. Kanhaiya Kumar Son of Arun Singh Resident of Village- Beraoti, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 06-04-2021 Heard learned counsel for the petitioner nos.1 and 2
and learned counsel for the State.

Learned counsel for the petitioners submit that during the pendency of this case, petitioner no. 3 has been apprehended, as such anticipatory bail petition with regard to petitioner no. 3 has become infructuous.

The petitioner no.1 and 2 apprehend their arrest in a case registered for the offence punishable under Section 323, 341, 447, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that on 02.05.2020 at about 12:30 p.m., while he was returning from his field and reached



his house, FIR named accused, Gaurishankar Singh @ Munnu Singh and Arun Singh were lurking there and on seeing him, accused, Arun Singh fired from his pistol on informant, as a result of which, he sustained injury in the fingers of right hand and co-accused, Gaurishankar Singh, also fired from his pistol on informant, due to which, informant sustained injury in his right thigh.

On hearing the sound of firing, informant's brother Pankaj Singh @ Pintu Singh and his daughter Priyanka Kumari came to save him, then both the accused persons made 7-8 rounds of indiscriminate firing upon them, due to which, informant's brother and daughter tried to flee away to save themselves but in the way, accused persons surrounded them and accused Nitish Kumar (petitioner no.2) assaulted them by means of brick and lathi, causing injuries to them. Reason behind the occurrence is land dispute.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case due to previous enmity and land dispute between families. It is further submitted that there is general and omnibus allegation against the petitioners. It is contended that in the case diary it has come that no firearm injury has been found on



the person of the informant. The doctor has examined the victim Pankaj Singh and found the injury to be simple in nature. So far as another victim, Priyanka Kumari, is concerned, the doctor has opined that without report of C.T. scan of brain, nature of injury can't be explained. However, she left the hospital without C.T. scan, which shows that injury is simple in nature. It is contended that petitioners and victim are agnates and due to land dispute, this false case has been lodged against them. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the **petitioner no.1, Ranit @ Chhote @ Ranjit Kumar and petitioner no.2, Nitish Kumar @ Nanhe** be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Deepnagar . P.S. Case No.115/2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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