

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31323 of 2020

Arising Out of PS. Case No.-254 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. SHIV PARSAN SINGH Son of Late Harihar Singh Resident of Vill. - Kohari, P.S.- Bhabua, Distt.- Kaimur
2. Bashisth Singh Son of Late Harihar Singh Resident of Vill. - Kohari, P.S.- Bhabua, Distt.- Kaimur
3. Deepak Singh Son of Shiv Parsan Singh Resident of Vill. - Kohari, P.S.- Bhabua, Distt.- Kaimur
4. Pankaj Singh Son of Late Sudarshan Singh Resident of Vill. - Kohari, P.S.- Bhabua, Distt.- Kaimur
5. Ramesh Singh Son of Mohan Singh Resident of Vill. - Kohari, P.S.- Bhabua, Distt.- Kaimur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Jha, Advocate
For the Opposite Party/s	:	Ms. Meena Singh, APP
For the Informant	:	Mr. Babu Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-01-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners apprehend arrest in Bhabua PS Case No. 254 of 2020 registered under Sections 147, 148, 149, 323, 324, 307, 354B, 504 of the IPC and Section 27 of the Arms Act.

The prosecution case is that while the informant was waiting for Panchayati, co-accused Ram Yash Singh along with various persons, including the instant petitioners, arrived at the place.



It is alleged that co-accused Ram Yash Singh fired from his gun upon the informant's nephew Dinesh Singh which hit upon his hand. The allegation is that other persons, who were also variously armed, assaulted the informant's family members including the female family members.

Learned Counsel for the petitioner submits that even as per prosecution case it is evident that the occurrence is allegedly based on land dispute. In fact the prosecution party are the aggressor and the petitioners' side has also lodged Bhabua PS Case No. 253 of 2020 against them prior to lodging of the instant case wherein the petitioners have been implicated. Petitioner nos. 3, 4 and 5 have no criminal antecedent. Petitioner nos. 1 and 2 who are aged persons, aged about 58 And 70 years respectively, have falsely been implicated in this case on extraneous consideration. It is further submitted that the injury report of those injured from the petitioners' side are on record at Annexure 4.

Learned APP for the State and the Counsel for the informant have opposed the prayer for anticipatory bail. It is submitted that several persons have sustained injuries purported to be by the instant petitioners.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Bhabua in Bhabua PS Case No. 254 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform



the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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