

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39347 of 2020

Arising Out of PS. Case No.-144 Year-2020 Thana- SAHPUR District- Patna

1. Birendra Rai Son of Late Bunni Lal Rai Resident of Village - Shankarpur Habaspur Ganghara, Police Station - Shahpur, District - Patna.
2. Sanjay Rai Son of Birendra Rai Resident of Village - Shankarpur Habaspur Ganghara, Police Station - Shahpur, District - Patna.
3. Ranjeet Rai Son of Birendra Rai Resident of Village - Shankarpur Habaspur Ganghara, Police Station - Shahpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shiva Shankar Sharma, Advocate
For the Informant	:	Mr. Avinash, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-10-2021 Heard Shri Shiva Shankar Sharma, learned counsel for the petitioner, Shri Avinash, learned counsel for the informant along with learned A.P.P. for the State.

The petitioners seek anticipatory bail in connection with Shahpur P.S. Case No. 144 of 2020 instituted under Section 341, 323, 379, 385, 504, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the entire family has been implicated in this false case by the informant and submits that from bare perusal of the F.I.R. it would manifest that the informant alleges that these petitioners



came on his land and forcefully tried to desist the *bataidar* from harvesting the crop and when the informant intervened, the petitioners started abusing and assaulting with fist and slap and also fired with a view to kill and thereafter demanded ransom of Rs. 1,00,000/- and also snatched Rs. 5,000/- from the pocket of the informant and threatened to kill him.

Learned counsel for the petitioners submits that there is a civil dispute going on between the parties, the allegation as far as Arms Act is concerned, the same is false as no injury has been caused to anyone nor any empty cartridge had been recovered from the place of occurrence. As far as snatching of Rs. 5,000/- is concerned, that is ornamental in nature. Further, the learned counsel for the petitioner submits that the present case has been instituted as a counter blast to Complaint Case No. 75C of 2017 instituted from the side of the petitioners and the petitioners have clean antecedent.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the anticipatory bail application but are not able to counter the submission of the petitioners that there was no fire arm injury on the informant or any of his associates.

Considering the facts and circumstances of the case,



let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of ten weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur in connection with Shahpur P.S. Case No. 144 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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