

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16515 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- AGRER District- Rohtas

-
1. JAGARNATH SINGH, S/o Late Lalan Singh R/o Village- Mokar, P.S.- Agrer, District- Rohtas
 2. PAPPU SINGH @ CHANDAN SINGH, S/o- BISHWANATH SINGH R/o Village- Mokar, P.S.- Agrer, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-01-2022 Heard Mr. Vishwajeet Kumar Mishra, learned counsel for the petitioner and Mr. Dashrath Mehta, learned APP for the State.

The learned counsel for the petitioners seeks permission to withdraw the application with respect to petitioner no. 2 as he has been arrested during the pendency of this application.

The application with respect to petitioner no. 2 is dismissed as having become infructuous.

The petitioner no. 1 seeks bail in anticipation of his arrest in connection with Agrer P. S. Case No. 39 of



2020, instituted for the offences under Sections 147, 148, 149, 307, 323, 341, 354, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

It has been submitted on behalf of the petitioner no. 1 that the accusation is against 25 accused persons, out of whom 17 persons have been named in the F.I.R.

It has further been submitted that there is a dispute over a plot of land, which actually led to the scuffle between the parties, who are staking their respective claims over the said plot of land.

The learned counsel for the petitioner has further drawn the attention of this Court to the fact that the act of firing has been attributed to other accused persons and not the petitioner.

The petitioner can at best be said to be the member of the mob.

Even the injury report of the sole injured person, it has been argued, does not inspire confidence



as it has been issued by a private hospital, which is in the nature of a certificate.

Considering these aspects of the matter, anticipatory bail has been granted to one Ajay Mishra by this Court in Cr. Misc. No. 39670 of 2020 *vide* order dated 07.06.2021.

The application for anticipatory bail of Brajesh Pandey but has been rejected by this Court, because his case is different as he is alleged to have fired at the victim.

Since the petitioner is not attributed with any specific overt act and similarly situated person has been granted anticipatory bail by this Court, the petitioner, above-named, in the event of his arrest or surrender before the court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Rohtas at Sasaram in connection with Agrer P. S. Case
No. 39 of 2020, subject to the conditions laid down
under Section 438(2) of the Cr.P.C.

While saying so, this Court has also taken note
of the fact that the petitioner no. 1 does not have
criminal antecedents.

This petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

