

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26162 of 2021

Arising Out of PS. Case No.-123 Year-2007 Thana- RAMGARH District- Kaimur (Bhabua)

1. TOOFANI SAH @ TUFANI SAH
2. ASHOK SAH Both are S/O BHOLA SAH Both are R/o village- Narwar,
P.S.- Dinara, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 307, 341, 323, 452 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, while the petitioner no.2 kept guard with a pistol in his hand, it is stated that as a result of firing by the petitioner no.1, the son of the informant was seriously injured.

It is submitted by learned counsel for the petitioners that they have been falsely implicated in the case for oblique reasons which would be evident from the contents of the



F.I.R. itself. The land dispute between the parties is admitted. The doctor has found the injuries on the informant to be simple in nature. The petitioners are in custody since 18.1.2021 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State who submits that besides there being direct allegation of overt act against the petitioner no.1 in a case of the year 2007, the petitioners continued to abscond till they were taken into custody in the year 2021.

Having heard learned counsel for the parties and taking into consideration the petitioner no.2 having remained in custody for 1 year, the Court directs the petitioner no.2 to be enlarged on bail in connection with Ramgarh P.S. Case no.123 of 2007 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Kaimur at Bhabua.

It is directed that the petitioner no.2 shall remain present in the Court on each date of the trial and in case of his absence for reason not to the satisfaction of the learned trial court or his not cooperating in the trial, the learned trial court may cancel the bail bond of the petitioner no.2 and take him into



custody till conclusion of the trial.

In view of the allegation against the petitioner no.1 in the F.I.R. leading to grievous injury on the son of the informant together with him having absconded for more than 13 years, the Court is not inclined to enlarge the petitioner no.1 on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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