

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38481 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. MALLU BIND S/o Buchchi Bind Resident of Village- Orgaye, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 2. Sanjay Bind S/o Ramdhyan Bind Resident of Village- Orgaye, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 3. Sonu Bind S/o Dyal Bind Resident of Village- Orgaye, P.S.- Bhagwanpur, District- Kaimur at Bhabua.
 4. Buchchi Bind Son of Ram Surat Bind Resident of Village- Orgaye, P.S.- Bhagwanpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case in connection with Bhagwanpur P.S. Case No.70 of 2021, corresponding to Gr. No.519/2021, registered for the offence punishable under Sections 147/148/149/447/448/323/307 of the



IPC and 27 of Arms Act.

The allegation against the petitioners is that they along with other accused persons came at the 'baithka' of the informant and Mantu Bind opened firing by means of katta upon the informant's son. Thereafter, they fled from the spot.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to village politics. No such occurrence in the manner as alleged has even taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation of firing upon the informant's son is levelled against one Mantu Bind. There is an admitted land dispute between the parties. Petitioner no.2 has no criminal antecedent, petitioner no.1 has one criminal antecedent and petitioner nos.3 and 4 have two criminal antecedents, which is also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering that no specific allegation of firing is levelled against the petitioners and there is land dispute between the parties, let the above named petitioners, be released on bail, in



the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bhagwanpur P.S. Case No.70 of 2021, corresponding to Gr. No.519/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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