

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64763 of 2021

Arising Out of PS. Case No.-129 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

1. Shiv Karan Sah son of late ramdeo sah resident of village- paniya dih, p.s.- Bagwanpuru Hat, District- Siwan.
2. Munna Sah Aon of Shreeram Sah Resident of Village- Bahadurpur, P.S.- Bahadurpur, P.S.- Bsantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Ms.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-06-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 147, 148, 149, 341, 323, 307, 504, 506 of

the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per F.I.R is that

petitioners were measuring a disputed land which was

objected by Ram Kishore Mahto, as a result of which,

the petitioners started abusing him and made assault

and when other family members of Ram Kishore Mahto



came to his rescue, it is alleged that petitioner No. 2 along with others opened fire, as a result of which, the nephew of Ram Kishore Mahto sustained gunshot injuries.

It is submitted by learned counsel for the petitioners that informant is *Chaukidar* and not an eye witness to the occurrence and whatever he had narrated in the F.I.R is only on the basis of hearsay. It is further submitted that there is counter version of the occurrence also and the case lodged by the petitioners' side is at earlier point of time. The allegation against the petitioners is general and omnibus. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the fact that petitioner No. 2 is alleged to have shot fire at the nephew of Ram Kishore Mahto who sustained gunshot injuries which has been corroborated from perusal of the injury report, this Court is not inclined to grant anticipatory bail to petitioner No.



2.

The prayer for grant of anticipatory bail to petitioner No. 2 namely Munna Sah is rejected.

In the facts and circumstance of the case, let the petitioner No. 1, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Bhagwanpur Hat P.S. Case No. 129 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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