

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25932 of 2023

Arising Out of PS. Case No.-772 Year-2022 Thana- GAURICHAK District- Patna

1. PREMCHAND KUMAR @ PREMCHAND SINGH @ TABLU SON OF DINANATH SINGH Resident of Village - Gawashpur, P.S. - Gaurichak, District - Patna
2. PRATAP SINGH SON OF DINANATH SINGH Resident of Village - Gawashpur, P.S. - Gaurichak, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Harsh Anuj, Adv.
For the Opposite Party/s :	Mr. Ganesh Prasad Singh, APP
For the informant :	Mr. Abhay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-07-2023 Heard Mr. Harsh Anuj, learned counsel for the petitioners, Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State along with learned counsel for the informant.

2. Petitioners apprehend their arrest in connection with Gaurichak PS Case No. 772/2022 dated 21.21.2022 registered for the offence punishable under Sections 307, 506, 120(B) of the IPC and Section 27 of the Arms Act.

3. As per prosecution case, due to some dispute with regard to partition of land, co-accused persons, Dina Nath Singh and Vinod Nath Singh ordered one Nitish Singh to kill the informant, upon which, the accused, Nitish Singh with the help of other accused persons including the petitioners fired upon the



informant with intention to kill due to which he sustained injury near his shoulder.

4. Learned counsel for the petitioners submits that both the petitioners and other family members have falsely been implicated in this case due to land dispute between the parties. Both the parties are agnates and the dispute regarding partition was going on between them. The injury caused to the informant is not serious in nature as would be evident from Annexure-2. The doctor has found lacerated wound upon the informant and the nature of the injury has been kept reserved. He further submits that the allegation of firing is upon co-accused, Nitish Singh and not upon the petitioners.

5. On the other hand, learned counsel for the informant vehemently, opposes the anticipatory bail application and submits that all the accused persons with common intention fired upon the informant due to which, he sustained fire arm injury on the vital part of the body.

6. Regards being had to the submissions made by the parties, taking into consideration the fact that entire family members have been made accused in the FIR due to some land dispute and the petitioners are not the assailants, the allegation of firing is upon co-accused, Nitish Singh, I am inclined to grant



anticipatory bail to the petitioners.

7. Accordingly, let the petitioners, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Patnacity, Patna in connection with Gaurichak PS Case No. 772/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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