

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49317 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- CHAUSA District- Madhepura

1. Kamleshwari Singh @ Kamlesh Singh S/O Sikendra Singh R/O Village- Azgaiwa Ward No. 03, P.S- Chausa (Fulaut O.P), Distt.- Madhepura.
2. Haribol Singh S/O Late Tanuklal Singh R/O Village- Azgaiwa Ward No. 03, P.S- Chausa (Fulaut O.P), Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50462 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- CHAUSA District- Madhepura

1. Ganesh Singh Son Of Late Tanuklal Singh Resident Of Village- Azgaiwa Ward No. 03, Ps- Chausa, (falaut Op.), Dist-Madhepura
2. Rambaran Singh Son Of Late Tanuklal Singh Resident Of Village- Azgaiwa Ward No. 03, Ps- Chausa, (falaut Op.), Dist-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49317 of 2023)

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 50462 of 2023)

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2023 Since both the applications arise out of Chausa P.S. Case No. 81 of 2023, as such, they have been taken up together and are being disposed of by this common order.

02. Heard learned counsel for the petitioners and



learned APPs for the State.

03. In this present case, the petitioners are apprehending their arrest in connection with Chausa (Fulaut O.P.) P.S. Case No. 81 of 2023, registered on 19.03.2023, for the offences under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

04. As per prosecution case, while the informant was constructing a thatched hut on his *Sikmi* land, the petitioners came there and on the orders of petitioners-Kamleshwari Singh and Haribol Singh, petitioners- Ganesh Singh and Rambaran Singh opened fire upon the informant, who received bullet injuries below his chest and below his waist. The petitioners fled away from the spot when the family members of the informant rush towards the informant.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the F.I.R., admittedly, there is land dispute between the parties. Learned counsel further submits that a number of persons examined during investigation, have not named the petitioners-Kamleshwari Singh and Haribol Singh as assailants. Moreover, from the F.I.R, it appears that they are said to be the order givers. Even in his re-statement, the informant has not made any allegation of assault against the petitioners-Kamleshwari Singh



and Haribol Singh. Learned counsel further submits that the petitioners are having no criminal antecedent.

06. Learned APPs oppose the prayer for anticipatory bail of the petitioners. Learned APPs submit that there is specific allegation against the petitioners that two of them gave orders for killing the informant and subsequent to the orders, the petitioners-Ganesh Singh and Rambaran Singh opened fire upon the informant.

07. Having regard to the facts and circumstances and considering the specific nature of allegation against the petitioners-Ganesh Singh and Rambaran Singh for opening fire on the informant and the informant received injuries on his person due to firing, I am not inclined to enlarge these two petitioners on anticipatory bail. Hence, their prayer for bail is rejected.

08. However, considering the aforesaid facts and circumstances and considering the fact that there is no allegation of assault against the petitioners- Kamleshwari Singh and Haribol Singh and the allegation is that of giving order and further considering the background of land dispute, the petitioners-Kamleshwari Singh @ Kamlesh Singh and Haribol Singh, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand



Only) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Uda Kishunganj/concerned court, District-Madhepura in connection with Chausa (Fulaut O.P.) P.S. Case No. 81 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioners-Kamleshwari Singh and Haribol Singh.

(ii) The petitioners-Kamleshwari Singh and Haribol Singh will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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