

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61641 of 2022

Arising Out of PS. Case No.-445 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

1. BIRENDRA RAI @ BRENDRA KUMAR RAI Son of Kashi Rai R/V- Dihrama, P.S- Sonhan, Dist- Kaimur, Bhabhua
2. Kamla Kant Rai Son of Jagnarayan Rai R/V- Dihrama, P.S- Sonhan, Dist- Kaimur, Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Singh, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 160, 341, 323, 307 of the IPC and 25(1-B)(a), 26, 35, 27 of Arms Act.

As per the prosecution case, due to land dispute between two groups of people, a fight took place, in which both sides assaulted each other and made firing. Arms and ammunition were also recovered.

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 grudge.



There is general and omnibus allegation against the petitioners. The said arms have been recovered from behind the house of petitioner. Both sides have sustained injuries and several similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. No.47163 of 2022. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no recovery of arms from the possession of petitioners, 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 Bhabhua (Sonhan) P.S. Case No.445 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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