

Arising Out of PS. Case No.-651 Year-2023 Thana- SABAUR District- Bhagalpur

- Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate
For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 1. Heard learned counsel appearing on
behalf of the petitioners and learned Additional Public
Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Sabour (Goradih) P.S. Case No. 651 of 2023, registered for the offences punishable under Sections 147, 148, 149, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.



3. The allegation against above named petitioners is to assault informant and others alongwith co-accused persons, causing head and bodily and bodily injuries, having intention to cause their death, where occurrence is arises out of land dispute.

4. Learned counsel appearing on behalf of the petitioners submitted that allegation *qua* physical assault is appearing very much general and omnibus against petitioners, where from the narration of FIR, it appears that this is not a case of bodily injuries. It is submitted that the allegation is omnibus to open fire by petitioners but it is nowhere appears out of narration of FIR that same was caused with intention to cause death of informant and others. It is submitted that for the same set of occurrence petitioner's side also lodged a case, which has been registered as Sabour (Goradih) P.S. Case No. 652 of 2023. Petitioners are men of clean antecedents.

5. Learned APP duly assisted by learned counsel



Mr. Samir Kumar Sinha, appearing on behalf of the informant, while opposing the prayer of bail submitted that petitioner actively participated during the occurrence.

6. Considering the aforesaid facts and circumstances and by taking note of fact, as allegation *qua* opening fire is appearing very much general and omnibus against petitioner, which is appearing *prima facie* that same were not made with intention to cause death of informant in the background of land dispute, accordingly, all above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur/concerned Court, where the case is pending in connection with Sabour (Goradih) P.S. Case No. 651 of 2023, subject to the



conditions as laid down under Section 438(2) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

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