

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50234 of 2024

Arising Out of PS. Case No.-718 Year-2020 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. Chhathu Lal Singh Son of Ramashankar Singh, R/o Vill.- Tiyra, P.S.- Rajpur, Dist.- Buxar.
 2. Manoj Kumar Singh Son of Birendra Singh @ Virendra Singh, R/o Vill.- Rampur, P.S.- Rajpur, Dist.- Buxar.
 3. Sonu Kumar Son of Bhagela Rajbhar @ Bghela Rajbhar, R/o Vill.- Rampur, P.S.- Rajpur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 31-08-2024 Learned counsel for the petitioner no.1 seeks permission to withdraw this petition as he has surrendered in another case and he is in custody.

2. Permission is accorded.

3. Accordingly, the present Cr. Misc. Application is dismissed as withdrawn for petitioner no.1.

4. Heard learned counsel for the petitioner nos.2 & 3 and learned A.P.P. for the State.

5. The petitioner nos.2 & 3 apprehend their arrest in connection with Complaint Case No.718 of 2020 instituted under Sections 326, 307/34 of the Indian Penal Code and



Section 27 of the Arms Act.

6. As per the prosecution case, on 26.02.2020 when the complainant went to attend nature's call, in the meantime three accused persons came there on a motorcycle and fired upon him due to some land dispute, which stuck in his left shoulder and the other bullet flew off in the air.

7. Learned counsel for the petitioner nos.2 & 3 submits that petitioners are innocent and have been falsely implicated in this case due to land dispute with the own brother-in-law. He further submits that there is title suit pending between the parties and earlier F.I.R. bearing Rajpur P.S. Case No.46 of 2020 was lodged by the complainant, however, after completion of investigation the I.O. has submitted the final form showing the case to be true but clueless against unknown accused persons and had exonerated the F.I.R. named accused persons including the petitioners, but on the protest petition, the cognizance has been taken by the Court concerned against the petitioners also. Learned counsel submits that there is no allegation against the petitioner no.3 and allegation against the petitioner no.2 is that he had fired on the informant but no one got injured. He further submits that the petitioner nos.2 & 3 have no criminal antecedent and they undertake to cooperate in



the trial.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner nos.2 & 3 be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Judicial Magistrate 1st Class, Buxar Court No.IV in connection with Complaint Case No.718 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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