

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4354 of 2015

Arising Out of PS.Case No. -354 Year- 2014 Thana -SONEPUR District- SARAN

1. Darbesh Rai
2. Sanjay Rai @ Sanjay Kumar Both are S/o Punkal Rai Resident of Village
Jaitiya, P.S. Sonapur, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Ram Chandra Sahni (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 03-02-2015

Heard both sides.

The petitioners apprehend their arrest in Sonapur P.S.
Case No. 354 of 2014, registered for the offences punishable under
Section 307 and other Sections of the Indian Penal Code and Section 27
of the Arms Act.

According to the prosecution case Someshwar Prasad
Gupta named the petitioners along with other accused persons and
alleged that they all entered into the shop of the informant. Darbesh
Rai, Ram Ayodhya Rai and Sanjay Rai are alleged to have fired which
hit on thigh of Pankaj Kumar son of the informant. The accused persons
are also alleged to have taken away rupee from the shop of the
informant.

Mr. Hemendra Pd. Singh, the learned counsel for the

petitioner submits that there is case and counter case. From the side of the petitioners Sonepur P.S. Case No. 355 of 2014 was registered under Section 379 and other Sections of the Indian Penal Code. On account of land dispute some scuffle took place. It is further submitted that, of course, the petitioners are alleged to have fired, but from perusal of the first injury report, it would appear that the doctor has opined that one injury was found and the same is caused by hard and blunt object.

On perusal of records, it appears that there is specific allegation against the petitioners that they opened fire which hit Pankaj Kumar the son of the informant. The photo copy of the injury report at page 21 showed that three pellet injuries two wounds measuring $\frac{1}{2}$ " on lateral side of left thigh and one middle side of left thigh were found. The injuries appears to be caused by pellet, hence, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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