

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43689 of 2015

Arising Out of PS. Case No. -106 Year- 2015 Thana -SIWAN MUFFASIL District- SIWAN

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Ajit Singh, Son of Baiju Singh, Resident of village- Pratappur, P.S.-
Hussainganj, District- Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Ambika Bhagat (Spl. App)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 13-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case under
Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal
Code, Section 3 (i) (x) of the Scheduled Caste/Scheduled Tribe
(Prevention of Atrocities) Act, 1989 and Section 27 of the Arms
Act.

The informant alleges that the accused persons came
and staked title and possession over the land, which belonged to
them. It is alleged that accused Manoj Singh opened fire, which hit
the head of Ramprit Ram; Dhananjay Singh opened fire, which
passed touching the ear of Ram Surat Ram and this petitioner
repeatedly fired, which hit in the leg of Sanjay Ram. Other
accused persons also assaulted Bigu Ram and Bachchi Devi.

The petitioner submits that the prosecution side was

the aggressor and they tried to capture his land. He submits that there is a case and counter case, in which the petitioner has also sustained grievous injury. A copy of the injury report dated 01.04.2015 is annexed as Annexure-4.

It appears from the injury report that the petitioner sustained four injuries, out of which injury no.4 is grievous in nature. He further submits that co-accused Dhananjay Singh has already been granted anticipatory bail vide order dated 17.08.2015 passed by a Bench of this Court in Cr. Misc. No.34488 of 2015. Learned counsel for the petitioner further submits that the injury caused by the petitioner on Sanjay Ram, even assuming to be correct, is on the leg and is simple in nature.

Counsel for the State opposes the prayer for anticipatory bail and submits that the petitioner opened fire causing fire-arm injury on the leg of Sanjay Ram.

It appears that the occurrence took place on account of serious land dispute, in which both sides have sustained injuries. The petitioner has also sustained grievous injury. The injury caused on Sanjay Ram on his leg is simple in nature. Co-accused Dhananjay Singh has already been granted anticipatory bail.

In the facts and circumstances of the case, if the

petitioner surrenders within six weeks from today before the court below (Chief Judicial Magistrate, Siwan in Siwan Mufassil P.S. case no. 106 of 2015) and prays for regular bail, the same would be disposed of preferably on the same day taking into consideration that the petitioner too sustained grievous injury and one of the co-accused has been granted anticipatory bail.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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