

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44812 of 2015

Arising Out of PS.Case No. -522 Year- 2015 Thana -KHAGARIA District- KHAGARIA

Const. 29 Randhir Kumar @ Randhir Kumar Son of Late Nand Kishore Sharma, Resident of Village Korra, Police Station Janipur, District Patna, at Present Posted as Body Guard of Sub Divisional Officer, Sadar Khagaria, Police Station Khagaria, District Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends arrest in Khagaria (Chitragupta Nagar) P.S. Case No. 522 of 2015 dated 04.08.2015 instituted under Sections 307 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner, who is a police constable is that of accidental fire on the informant who is also a police constable.

Learned counsel for the petitioner submits that from the F.I.R. itself, it is clear that the petitioner who was posted as bodyguard of the S.D.O., Sadar, Khagaria had



removed magazine from the pistol of a person who had come for producing the firearm before the S.D.O. and when he came out, at the time of putting the magazine back, while pulling the slide, there was accidental fire leading to a bullet hitting the informant who was also a constable and posted as another bodyguard of the S.D.O., Sadar, Khagaria. Learned counsel submits that as per the informant the petitioner while loading the pistol resulted in the firing. It is submitted that the petitioner had in fact taken the informant to the hospital on the official car of the S.D.O. and upon the direction of the District Magistrate, Khagaria to the S.D.O. to enquire into the matter, it has been reported that the firing was accidental. It is thus submitted that there is no *mens rea* behind the accidental firing. It is submitted that the petitioner has no criminal antecedent.

Learned A.P.P. submits that the petitioner being a police constable did act negligently but concedes that the firing was neither deliberate nor premeditated.

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 be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in Khagaria

(Chitragupta Nagar) P.S. Case No. 522 of 2015, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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