

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38814 of 2014

Arising Out of PS.Case No. -218 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

1. Dhananjay Shahi Son of Shyam Nandan Shahi
2. Karmbir Shahi Son of Ram Nandan Shahi Both Residentr of Village -
Harka Kalyan, P.S Minapur, Distt - Muzaffarpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.39468 of 2014

Arising Out of PS.Case No. -218 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

1. Mithlesh Devi Wife of Shyam Nandan Shahi
2. Shailendra Shahi Son of Ram Prasad Shahi
3. Sanjay @ Sanjay Shahi @ Parambir Shahi Son of Ram Nandan Shahi
4. Chanchal Kumar @ Mritunjay Kumar Son of Shyam Nandan Shahi
All resident of Village- Harka Kalyan, P.S. Minapur, District-
Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.38814 of 2014)

For the Petitioners : Mr. Nachiketa Jha, Advocate.

For the Opposite Party : Mr. Md.Ansarul Haque (APP)

(In Cr.Misc. No.39468 of 2014)

For the Petitioners : Mr. Nachiketa Jha, Advocate.

For the Opposite Party : Mr. Chandra Bhushan Prasad (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

2 03-04-2015 Heard learned counsel for the petitioners as well as
learned counsel for the State.

Both the Criminal Miscellaneous applications are for
the same occurrence and as such have been heard together and are

being disposed of by passing this common order.

In these applications for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 379 of the I.P.C and section 27 of the Arms Act.

The allegation against petitioners Dhananjay Shahi and Karmbir Shahi (petitioners in Cr. Misc. No. 38814/2014) is that they caused fire arm injury to the wife of the informant and also father of the informant and the doctor has found the injury grievous in nature, whereas, allegation against petitioners Mithlesh Devi, Shailendra Shahi, Sanjay @ Sanjay Shahi @ Parambir Shahi and Chanchal Kumar @ Mritunjay Kumar (petitioners in Cr. Misc. No. 39468/2014) is of assaulting with *dagger* and *lathi*.

Submission is of false implication and that from the injury report only fire arm injury appears to have been caused and further that is not specific and as such the petitioners deserve sympathetic consideration as the allegation under section 379 I.P.C. is super addition, to which the learned A.P.P. opposes.

Considering the allegations against petitioners Dhananjay Shahi and Karmbir Shahi for causing fire arm injury, this Court is not persuaded to grant pre-arrest bail to them and accordingly their such prayer stands rejected.

But considering that petitioners Mithlesh Devi, Shailendra Shahi, Sanjay @ Sanjay Shahi @ Parambir Shahi and Chanchal Kumar @ Mritunjay Kumar are not responsible for causing fire arm injury and there is no allegation against them and as such in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Muzaffarpur in Minapur P.S. Case No. 218 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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