

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16826 of 2015

Arising Out of PS.Case No. -151 Year- 2013 Thana -UDWANTNAGAR District- BHOJPUR

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Niranjan Kumar Singh @ Guddu son of Raj Kumar Singh resident of
Village - Sarathuwa, P.S. - Udwant Nagar, District - Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar Shrivastava, Advocate.

For the Opposite Party/s : Mr. Amit Kr. Rakesh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-05-2015

Heard Sri Arun Kumar Shrivastava, learned counsel

for the petitioner, and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

There is a very specific allegation against the
petitioner that he fired causing death of Dhananjay Kumar Singh,
brother of the informant. Learned counsel for the petitioner
submits that Uday Pukar Singh brought a gun and handed over the
same to this petitioner, who fired. Shyam Pukar Singh was also
present having armed with a gun. It is submitted that Section 34 of
the Indian Penal Code is attracted when any crime is committed by
several persons in furtherance of the common intention of all, each
of such persons is liable for the offence. The other two accused

persons, namely Ram Pukar Singh and Uday Pukar Singh have already been granted bail by the learned Sessions Judge. The petitioner is in military service.

Taking into consideration the facts that the gun was not tested and Uday Pukar Singh has no licensee gun although there is an allegation that he brought a licensee gun, and it appears that there is a very specific allegation that the petitioner took the gun from the hands of Uday Pukar Singh and fired at the deceased and the deceased died on the spot, hence, I do not find the case fit for grant of anticipatory bail to the petitioner in Udwant Nagar P.S. Case No. 151 of 2013. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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