

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35992 of 2015

Arising Out of PS.Case No. -186 Year- 2015 Thana -SIWAN CITY District- SIWAN

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1. Arun Tripathi @ Arun Kumar Tripathi Son of Late Rajendra Kumar Tripathi resident of Mohalla - Dwivedi Colony Siwan, Police Station - Siwan Town, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-08-2015

Heard learned counsels for the petitioner and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 379 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the petitioner and his brother Pintu Tripathi, armed with lathi, farsa, sword and revolver, were quarrelling with the driver of the informant Vishal Yadav on the road. The informant and his brother Sanjay Yadav made protest when the petitioner and his full brother Pintu Tripathi assaulted informant with iron rod on his head. Thereafter the petitioner fired with revolver on informant but it did not cause any injury. When the brother of informant Sanjay Yadav came to rescue then the petitioner fired causing injury on his leg. The brother of petitioner assaulted the

brother of informant Sanjay Yadav with iron rod on his head. This petitioner also snatched gold chain from the neck of Sanjay Yadav.

It is submitted by learned counsel for the petitioner that in the background of land dispute accusation has been levelled. The informant's side were aggressors and there is counter version of the occurrence as the informant's side tried to outrage the modesty of the daughter of petitioner who has also received injury. The same has been brought on record as Annexure-4. The brother of informant Sanjay Yadav received three injuries out of which two injuries are on leg caused by fire arm though opinion is reserved with regard to them and the third one is of marginal size injury on the right parietal region which has been found to be simple in nature. The fire arm injury is on non vital part of the body, hence no case under Section 307 of the I.P.C is being made out. Moreover the accusation is of firing by licensed revolver of the informant but the injuries reflect that the same have been caused by pellets. The revolver of the petitioner was seized from his house but it has not been sent to ballistic expert to ascertain that the same was used in the occurrence. It is further submitted that the petitioner is aged person and suffering from several ailments.

It is submitted by learned counsel for the State that the impugned order reflects that the injury of Sanjay

Yadav has been found to be grievous as gets reflected from the impugned order.

Considering the fact that the injury by fire arm has been caused on the non-vital part of the body, there is counter version of the occurrence, the injury of petitioner side has not been explained and statement has been made in paragraph No. 3 of the petition that the petitioner has no criminal antecedent, it is a case for consideration of prayer for regular bail if the petitioner surrenders within a period of six weeks in connection with Siwan Town P.S. Case No. 186 of 2015, pending in the Court of learned Chief Judicial Magistrate, Siwan.

It is expected from learned C.J.M, Siwan to dispose of the application for regular bail preferably on the same day.

Accordingly the application is disposed of.

(Dinesh Kumar Singh, J)

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