

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44842 of 2015

Arising Out of PS.Case No. -204 Year- 2015 Thana -WAZIRGANJ District- GAYA

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Ramakant Singh @ Bantu Kumar, Son of Ambika Singh, resident of
village- Majhawly, P.S. Wazirganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 15-10-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Wazirganj
P.S. Case No. 204 of 2015 dated 18.05.2015 instituted under
Sections 341/323/325/307/34 of the Indian Penal Code and
27 of the Arms Act.

The allegation against the petitioner is that he
along with three others had forcibly confined the informant
and other co-villagers and had abused them and also made
murderous attack causing injury to one Manikant Kumar, due
to firing made by co-accused Sanjay Singh.

Learned counsel for the petitioner submits that
he has been falsely implicated due to family dispute. It is
submitted that though the allegation is of injury by firearm but
the medical report shows that the same was caused by hard
blunt and sharp edged substance and thus no case is made



out under Section 307 of the Indian Penal Code and the Arms Act. It is further submitted that the Sub Divisional Police Officer, Wazirganj, Gaya has supervised the case and has not found the incident to be true under Section 307 of the Indian Penal Code and 27 of the Arms Act. It has further been submitted that the parties have also compromised and the injured person has filed an affidavit that he did not recognize the person who had fired on him though both belong to the same village and further the informant along with the injured has filed a joint compromise petition with the petitioner and the other three co-accused.

Learned A.P.P. submits that in view of the aforesaid position, it cannot be said that there is reasonable apprehension of arrest of the petitioner by the police as they themselves have not found the case true under Section 307 of the Indian Penal Code and the Arms Act and further since the informant and the injured have also entered into compromise.

Considering the rival contentions of learned counsel for the parties, the Court is in agreement with the submissions of learned A.P.P. for the State. The petitioner may thus appear before the Court below and seek regular bail. If the petitioner so does, the Court below shall consider the prayer for bail of the petitioner in accordance with law on merits and also in light of the observations made hereinabove and the bail application shall be disposed off on the same day.

The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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