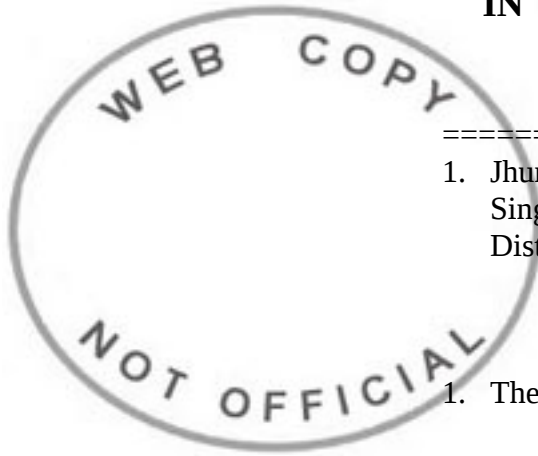




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22329 of 2015

Arising Out of PS.Case No. -219 Year- 2014 Thana -SIMRI District- BUXAR

=====

1. Jhunjhun Singh @ Amit Kumar Singh @ Amit Singh S/o Akshayvar
Singh Resident of Village Chotaka Rajpur, Police Station Simari,
District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.23088 of 2015

Arising Out of PS.Case No. -219 Year- 2014 Thana -SIMRI District- BUXAR

=====

1. Saroj Singh @ Saroj Kumar Singh , Son of Dina Nath Singh.
2. Surendra Singh @ Surendra Kumar Singh, Son of Ram Dular Singh.
3. Umakant Singh, Son of Dina Nath Singh.
4. Birendra Singh, Son of Ram Bahadur Singh.
5. Ram Dular Singh, Son of Late Jagnarayan Singh.
6. Abhay Singh @ Guddu Singh, Son of Bachan Singh. All Resident of
Village- Chhotka Rajpur,Police Station- Simari (TRH O.P.), District-
Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.22329 of 2015)

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Arbind Kr.Pandey(App)

(In Cr.Misc. No.23088 of 2015)

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Dasrath Mehta (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2015

Heard learned counsels for the petitioners,

informant and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 307, 324, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the police force reached to the polling booth during the PACS election when the supporters of two rival candidates clashed and pelted stones on each other in which both sides including the police force received injuries. There is specific accusation against petitioner Jhunjhun Singh @ Amit Kumar Singh that he fired upon Prem Shankar Pandey. For the same incidence three F.I.R.s were registered being Simari P.S. Case No. 218 of 2014 by injured Prem Shankar Pandey, Simari P.S. Case No. 219 of 2014 by one Hridaya Narayan Singh and Simari P.S. Case No. 220 of 2014 by the police.

It is submitted by learned counsel for the petitioner Jhunjhun Singh @ Amit Kumar Singh that police in its F.I.R being Simari P.S. Case No. 220 of 2014 has not named the petitioner and in the case lodged by Prem Shankar Pandey being Simari P.S. Case No. 218 of 2014, the petitioner has been granted provisional bail, keeping in view of the fact that injury report does not suggest that injury has been caused by the fire arms whereas specific case of the injured who is informant himself of the case is that petitioner caused fire arm on the

shoulder of the informant Prem Shankar Pandey.

Keeping in view of the fact that for the same occurrence, in other version of the F.I.R the petitioner Jhunjhun Singh @ Amit Kumar Singh @ Amit Singh has been granted provisional bail, let the petitioner Jhunjhun Singh @ Amit Kumar Singh @ Amit Singh, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for three months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Simari P.S. Case No. 219 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner Jhunjhun Singh @ Amit Kumar Singh @ Amit Singh will be confirmed by learned Court below, if final injury report does not suggest that injury has been caused by fire arm. But, if final injury report suggests otherwise then petitioner will surrender and pray for regular bail.

So far as petitioners of Cr. Misc. No. 23088 of 2015 are concerned, since there is general and omnibus allegation against them to have pelted stones, it is a case for consideration of prayer for regular bail of the petitioners, if they surrenders within a period of six weeks and pray for regular bail in connection with Simari P.S. Case No. 219 of 2014,

pending in the Court of learned Chief Judicial Magistrate,
Buxar.

Accordingly both the applications are
disposed off.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--