

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14662 of 2016

Arising Out of PS.Case No. -100 Year- 2015 Thana -PHULWARIA District- BEGUSARAI

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1. RISHI KUMAR @ RISHI RAI Son of Sunil Ray Resident of Village-
Bagraha Dih, Police Station Phulwaria and District Begusarai.

.... Petitioner/s

Versus

4. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-04-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Phulwaria Police Station Case No. 100 of 2015, disclosing offences under Sections 307, 341, 323, 504 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

From First Information Report, it appears that over some land dispute, there was an altercation between the informant's side and accused persons. It is alleged that co-accused Ravi Rai opened fire hitting the informant in his armpit. The petitioner is also said to have made open fire from the pistol, which did not hit anybody.

Learned Counsel for the petitioner has submitted that the allegation of making fire against the petitioner without causing injury is just imaginary, in order to implicate the petitioner. There is admitted land dispute between the parties and thus animosity

between them. He further submits that there is no allegation against the petitioner in the First Information Report, repeating the firing, which he said to have made.

Considering the fact that the occurrence took place over land dispute and no injury as alleged, has been caused by the present petitioner and the fact that other injuries were simple in nature, this application is allowed.

Let the petitioner, Rishi Kumar @ Rishi Rai, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai, in connection with Phulwaria Police Station Case No. 100 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Amit/-

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