

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19023 of 2016

Arising Out of PS.Case No. -117 Year- 2015 Thana -NARDIGANJ District- NAWADA

=====

Bharat Chauhan, Son of Dwarik Chauhan @ Dwarika Chauhan, Resident
of village - Chhilkapar, P.S. Nardiganj, District – Nawada Petitioner
Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 10-05-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Nardiganj P.S. Case No. 117 of 2015, disclosing offences under Sections 147, 148, 149, 341, 323, 324, 307, 354A, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged in the First Information Report that the accused persons, who were variously armed with, surrounded the informant and started assaulting him. When his brother came to his rescue, they assaulted him also. It is alleged against the accused Chandrashekhar that he opened fire with pistol, which did not hit any one. It is also alleged that he assaulted the mother of the informant also and co-accused Bablu Chouhan snatched ear-rings and golden chain of the informant's mother.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under Section 307 of the Indian

Penal Code is made out against this petitioner and allegation of theft and opening of fire is mere superimposition. Learned counsel for the petitioner has submitted that the only injury, which has been found, is in the nature of fracture of the informant's shoulder.

Considering the fact that the petitioner has no criminal antecedent and taking into account the genesis of occurrence to the incident, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Nawada in connection with Nardiganj P.S. Case No. 117 of 2015, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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