

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23658 of 2016

Arising Out of PS.Case No. -201 Year- 2013 Thana -DIGHWARA District- SARAN

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Chandra Prakash Singh @ Lalan Singh son of Late Bhikhari Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-05-2016

Petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 341, 342, 323, 307, 379, 504, 427/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that co-accused Om Prakash Singh, Manoranjan Singh, Bipul Singh and the petitioner surrounded the informant and started abusing him. It is alleged that petitioner took out Rs. 3705/- from the pocket of the informant whereas co-accused Manoranjan Singh snatched mobile. The accused persons dragged the informant to their house where co-accused Gayatri Devi brought rope and tied him with pillar when the accused persons assaulted him. on hearing alarm when the son of the informant namely Ashutosh Kumar and nephew Roshan Kumar came to rescue, co-accused Gayatri Devi brought gun from her house and gave it to her husband Om Prakash Singh and asked to fire then Om Prakash Singh fired on the son of the informant causing injury

on the chest as a result he fell down. In the meantime, co-accused Savita Devi brought riffle from her house and ordered to kill them on which her husband Chandra Prakash Singh being petitioner and Om Prakash Singh started firing. One of the firings hit on the hand of the nephew of the informant namely Roshan Kumar. Thereafter all the three injured were carried to Dariyapur and from where Dighwara PHC and thereafter the nephew and son of the informant were referred to PMCH.

It is submitted by learned counsel for the petitioner that though specific accusation against the petitioner is of causing fire arm injury to Roshan Kumar but injuries of Roshan Kumar has been found caused by hard and blunt substance. On conclusion of the investigation the petitioner was not sent up for trial but the charge-sheet was submitted on 30.06.2014 against co-accused Om Prakash Singh but differing with the final form, learned ACJM-II, Saran at Chapra took cognizance on 03.02.2016 against the petitioner also.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount

each to the satisfaction of learned Additional Chief Judicial Magistrate, II, Saran at Chapra in connection with Dighwara P.S. Case No. 201 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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