

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46359 of 2016

Arising Out of PS.Case No. -108 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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Hawaladar Singh, Son of Late Ram Bahadur Singh, Resident of Village-
Majhariya, Police Station- Buxar (Industrial Area), District- Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party : Mr. Sri Matloob Rab (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 22-12-2016

Heard both sides.

The petitioner seeks bail in Buxar (Industrial Area)

P.S. case no. 108 of 2016 registered under Sections 307 and other
sections of the Indian Penal Code and Section 27 of Arms Act.

The informant alleged that he along with his brother
Gagan Singh was filling up his field but in the meantime, Hawaldar
Singh; petitioner and his two sons having armed with rifle, carbine and
pistol came and picked up quarrel. Janardan Singh and Santosh Dubey
assaulted the informant with butt of gun. Hawaldar Singh fired from his
rifle which hit his left leg below the knee. Thereafter, Sugriv and Rahul
are also alleged to have fired which hit Amod.

Learned counsel for the petitioner submits that no
offence under Section 307 of the Indian Penal Code is made out against
the petitioner. Had there been any intention on the part of the petitioner



then petitioner would have fired above the waist of Gagan Singh but it hit just below the knee of left leg. Learned counsel further submits that the investigating officer did not take statement of injured nor called the injury report. Petitioner is in judicial custody since 19.07.2016 i.e. for more than five months and there is a bonafide land dispute.

On the other hand, learned counsel for informant vehemently opposed the prayer for bail.

It appears that it was the petitioner who fired which hit left leg of Gagan Singh below his knee. From perusal of injury report, it appears that some parts of leg of Gagan Singh was amputated and he remained under treatment for quite long time.

Considering the facts and nature of allegations made, I am not inclined to enlarge the abovenamed petitioner on bail and accordingly, the same is rejected at this stage. However, the petitioner may renew his prayer for bail after remaining nine months in judicial custody.

(Prabhat Kumar Jha, J.)

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