

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41916 of 2016

Arising Out of PS.Case No. -228 Year- 2016 Thana -WAJIRGANJ District- GAYA

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Vikash Kumar @ Vikash Yadav son of Late Shukar Yadav, resident of
village- Birney, P.S. –Wazirganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Opposite Party/s : Mr. Sri Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 21-10-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of Wazirganj P.S. Case No. 228 of 2016, disclosing offences under Sections 147, 148, 149, 452, 341, 323, 325, 307, 354, 354, 427 and 379 of the Indian Penal Code and Section 27 of the Arms Act

It is alleged that since the informant and her family members had not cast votes in favour of the candidate of the accused persons, they entered into the informant's house and assaulted him and his family members badly. Petitioner is said to have opened fire with his pistol but it did not hit any person. It is also alleged that one of the accused persons assaulted the mother of the informant from the barrel of the gun.

Learned counsel for the petitioner has submitted that evidently, there is no fire arm injury, the allegation that the petitioner opened fire, which did not hit anyone, is malicious,

since it would have been impossible to prove that there being any fire arm injuries.

Learned counsel, appearing on behalf of the informant, on the other hand, has opposed vehemently, the prayer for anticipatory bail.

However, considering the submission, as above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Gaya, in connection with Wazirganj P.S. Case No. 228 of 2016, 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/herself before the police/Court, as the case may be, as and when required and in the event of failure on his/her part to appear before the Court on two consecutive occasions, his/her bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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