

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37469 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -SIKARHATA District- BHOJPUR

Binod Ray @ Binod Kumar Ray

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Sikarhatta P.S.Case No. 44/2016 registered for offences
punishable under Section 307 of the Indian Penal Code and 27 of
the Arms Act.

The prosecution case, in brief, is that petitioner and co-
accused came to the house of the informant and tried to take away
his buffalo. When the informant opposed, the co-accused fired
upon the informant with his country made pistol and shot hit the
left shoulder of the informant. The petitioner opened fire with his
rifle on the wall of the house of the informant.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the



aforesaid case. It has further been submitted that the allegation upon this petitioner is firing by his rifle but it is the firing made by the country made pistol of other co-accused, Benkatesh Rai, which caused injuries on the person of the informant. He further submits that the petitioner has no criminal history as is evident from para-3 of this application and Section 307 of the I.P.C. is not applicable against him. He further submits that in fact the dispute is with regard to some money transaction between them and there was a demand by the petitioner of Rs. 30,000/- given by him to the informant.

However, learned counsel appearing on behalf of the informant submits that the petitioner accompanied the co-accused Benkatesh Rai, who fired from his rifle. He further submits that the injury caused on the person of the informant by firing of Benkatesh Rai, is grievous and the dispute is with regard to Election in the Panchyat and not of any money transaction, hence, opposes the prayer for bail.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since it has been submitted by the learned counsel for the informant and the anticipatory bail

application of the other accused ,Benkatesh Rai has been rejected by the Co-ordinate Bench of this Court but since, the allegation against the petitioner is only firing on wall, which did not hit the informant and the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Bhojpur, Ara in connection with Sikarhatta P.S.Case No. 44 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

Sudha/-

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