

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1633 of 2016

Arising Out of PS.Case No. -473 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Vijai @ Vijai Kumar S/o Binay Kumar Singh Resident of Village - Kata,
P.S. - Sayadraja, District - Chandauli (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jogendra Kumar

For the Opposite Party/s : Mr. Ram Chandra Sahni (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,323,325,379 and 307 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case is that the FIR named accused persons along with 20-25 unknown came, surrounded the informant Jitendra Kumar Singh shot fire causing injury in right jaw, second fire was made by Narendra Singh which passed through the forehead and third fire was made by Gyanendra Prasad Singh which did not hit the informant. It is also alleged that co accused Banti Singh resorted two rounds of firing but it resulted in mis-fire and the motive of the occurrence has been

alleged to be the land dispute.

It is submitted by the learned counsel for the petitioner that the petitioner was not made accused in the FIR. In the FIR Banti Singh, son of Binayak Kumar Singh was made accused but the process under sections 82/83 Cr.P.C. was issued in the name of Banti alias Vijay Singh, son of Vinay Singh alias Binayak Singh. Challenging the same, the petitioner preferred Cr. Revision No. 144 of 2015 claiming that the petitioner's name is neither Banti Singh nor his father's name is Vinayak Singh.

It appears from the impugned order that earlier processes were issued in the name of Banti Singh but it was found that Vinayak Singh has only three daughters. Subsequently, the learned court below directed for issuance of process in the name of Vijay Kumar Singh alias Banti Singh.

It is further submitted that even assuming the accusation against Banti Singh, the firing made by Banti Singh was not effective and the persons whose firing was effective, like, Narendra Singh and Gyanendra Prasad Singh have been granted anticipatory bail vide Cr. Misc. No. 166 of 2015 by a co-ordinate bench of this court. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the petitioner was actually

not named in the FIR and the accusation was levelled against Banti Singh against whom processes under sections 82/83 Cr.P.C. was issued, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 473 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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