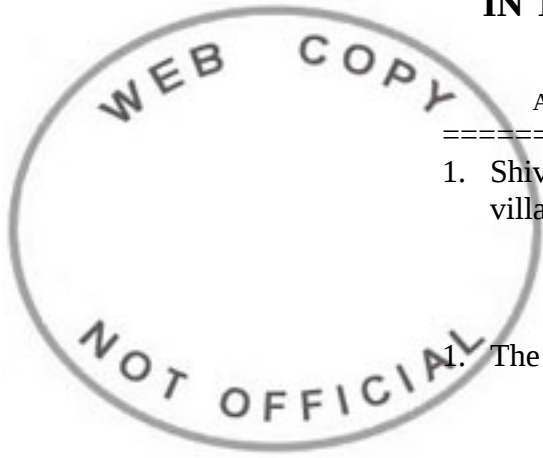




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25405 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -SIRDALA District- NAWADA

=====

1. Shiv Kumar Choudhary Son of Late Bundi Choudhary resident of
village- Naad, P.S.- Sirdala, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha

For the Opposite Party/s : Mr. Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-06-2016

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 324, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on 26. 01.2016 at 8:00 P.M the informant was enjoying fire at her door when some altercation took place between the informant and the petitioner and his brother Shankar Dayal Chaudhary in the background of land dispute. In the meantime, both sides resorted to fire. The first firing was made by the petitioner though one of the firing heat the informant but she could not know at whose firing hit her leading to registration of the present case being Sirdala P.S. Case No. 26 of 2016 levelling accusation under Sections 324, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act. For the same incidence



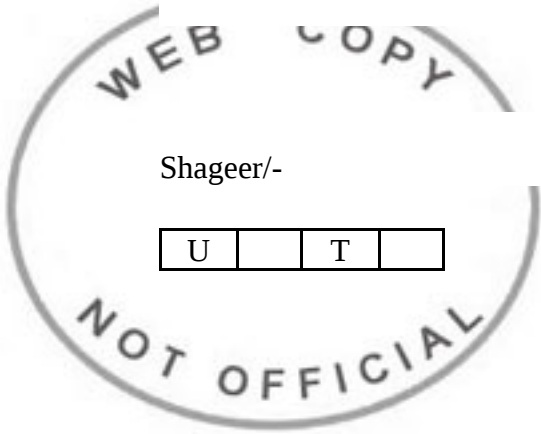
three cases were registered being Sirdala P.S. Case No. 25 of 2016 under Sections 447, 341, 323, 504, 324, 307 of the Indian Penal Code and Sections 27, 37 of the Arms Act by the wife of the brother of the petitioner, whereas the petitioner has lodged Sirdala P.S. Case No. 27 of 2016 levelling accusation under Sections 447, 341, 323, 324, 504, 307 of the Indian Penal Code and Section 27 of the Arms Act against his own brother Shankar Dayal Chaudhary. In the present case being Sirdala P.S. Case No. 26 of 2016 the informant is outsider.

It is submitted by learned counsel for the petitioner that informant has now suggested that firing by the petitioner hit on her chin. It is further submitted that petitioner has also received serious injuries for that he was admitted in the hospital for more than two weeks.

A statement has been made in para 3 of the petition that except Sirdala P.S. Case No. 25 of 2016, the petitioner is not accused in any other case.

Considering the nature of accusation when initially the informant did not allege that firing by the petitioner hit her, 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 Judicial Magistrate, 1st Class, Nawada in connection with

Sirdala P.S. Case No. 26 of 2016, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)