

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8887 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -BUNIADGANJ District- GAYA

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Devendra Kumar @ Devendra Singh @ Chotu Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 307, 302 and 387/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that on 02.08.2015 at about 7 AM, the informant along with Upendra Yadav, Karu Yadav and Chandradeep Yadav went on Scorpio to Saidpur for bringing sand but while retuning, few persons on Scorpio overtook the informant and made signal to stop when Sukhi Singh, Guddu Singh, O.P. Singh and brother of Sukhi Singh dragged out the informant and his associates from the vehicle when on the order of Guddu Singh, Sukhi Singh fired from his rifle which hit to Upendra Yadav , the brother of the informant, subsequently, O.P. Singh fired upon the informant but did not cause any injury. The brother of Sukhi Singh

fired upon the informant and his associates but did not cause any injury. Subsequently, the injured brother of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that specific accusation of firing on the victim is against Sukhi Singh. The petitioner is the brother of Sukhi Singh. Though, it is alleged that the brother of Sukhi Singh also fired but the petitioner is not specifically named and he is one of four brothers of Sukhi Singh. Moreover, the brother of Sukhi Singh is alleged to have fired on the informant and others but admittedly they did not receive any injury. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Buniyadganj P.S. Case No. 139 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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