

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39099 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -IMAMGANJ District- GAYA

Sanjay Pandey, Son of late Anirudh Pandey, Resident of Village- Naudiha,
PS Imamganj, District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Md. Ansarul Haque

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 21-09-2016 Heard Sri Shivendra Prasad, learned counsel for the

petitioner and Mr. Md. Ansarul Haque, learned Addl. Public

Prosecutor.

The petitioner, apprehending his arrest in Imamganj
P.S. Case No. 75/2016 registered for the offence under Sections
147, 148, 149, 323, 308, 427 of the Indian Penal Code and 27 of
the Arms Act , subsequently, Section 307 of the Indian Penal Code
was added, has prayed for grant of anticipatory bail.

At the very outset, it has been submitted by learned
counsel for the petitioner that as per fact disclosed in the F.I.R.
itself, it is evident that the alleged occurrence had taken place on
25.05.2016, whereas a written report was submitted by the
informant on 27.05.2016 i.e. after two days from the date of



occurrence, disclosing therein that on the date of occurrence, while he was returning on his motorcycle along with another person, they were intercepted by the accused having deadly weapons. It was alleged that they were firing, but there was no injury by fire-arm. However, the informant was apprehended and assaulted. It has been argued that once there was serious accusation of firing and serious assault, in normal course the informant should have reached to the police , whereas a written report was filed by the informant on 27.05.2016 i.e. after two days from the date of occurrence. He submits that even injuries, which have been shown, does not attract Section 307 of the Indian Penal Code. Regarding Section 27 of the Arms Act, it was argued that this allegation has been made only with a view to show seriousness of the offence.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail.

However, considering the fact as disclosed in the F.I.R. as well as the reason that it was lodged two days after the date of occurrence, the Court is of the opinion that it is a fit case for grant of anticipatory bail. Accordingly, let the petitioner, namely, Sanjay Pandey, in the event of his arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like

amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sherghaty (Gaya) in connection with Imamganj P.S. Case No.75/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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