

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24488 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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1. Awinash Kumar, Son of Rabindra Singh.
2. Pintu Kumar, Son of Shashibhushan Singh @ Shashi Bhushan.
3. Pappu Kumar, Son of Dinesh Singh.
All Resident of Village- Barma, P.S.- Sheikhpura (Sirari), District-Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Dr. Anjani Prasad Singh, Advocate.

For the State : None.

For the Informant : Mr. Ashok Kumar Singh 3 and
Mr. Dinkar Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-06-2017 Heard Dr. Anjani Prasad Singh, learned advocate appearing on behalf of the petitioners, and Sri Ashok Kumar Singh, learned counsel appearing on behalf of the informant. No one appears for the State.

The petitioners in the present case are apprehending their arrest in Sheikhpura P.S. Case No. 105/2017 registered under Sections 147, 148, 149, 341, 323, 326 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as contained in the First Information Report, would show that altogether 10 persons came at the place of occurrence where the informant is running a mill



and they allegedly assaulted the informant. There are allegations of firing by Gopal Kumar, Awinash Kumar and Pintu Kumar.

Learned counsel for the petitioners would submit that the petitioners have been falsely implicated without there being any specific allegation against the present petitioners. He has drawn my attention towards the injury report showing one firearm injury.

Learned counsel for the informant opposed the prayer for anticipatory bail and submitted that the accused persons actively participated in the alleged occurrence.

Considering the allegations in the Fardbeyan not alleging any overt act against the petitioner no. 3, namely, Pappu Kumar, I am inclined to grant anticipatory bail to petitioner no. 3. Accordingly, the above named petitioner no. 3, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura (Sirari) P.S. Case No. 105/2017, subject to the conditions under Section 438(2) of the Code of Criminal Procedure.



However, the prayer for anticipatory bail of petitioner no. 1 and 2 is refused.

If petitioner no. 1 and 2 surrender in the court below within a period of four weeks from today and prays for bail, their application may be considered by the court below on its own merit.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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