IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23011 of 2017

Arising Out of PS.Case No. -247 Year- 2016 Thana -CHANDI District- NALANDA (BIHARSHARIFF)

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Manoj Mahto @ Lakhania S/o late Ram Kishun Mahto Resident of Village-Gulni, P.S. Hilsa, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raj Bansh Dubey
For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioner and learned Addl. Public Prosecutor for the State.

The petitioner apprehends arrest in Chandi P.S. Case No. 247 of 2016 instituted for the offence under Sections-307, 120B of the Indian Penal Code and 27 of the Arms Act.

As per written report, the petitioner caused fire-arm injury to Surendra Master, which hit the body and also caused injury in the hand of the informant. The statement of Surendra Master is recorded at paragraph-27 of the C.D. in which he stated that this petitioner caused fire-arm injury to him.

Counsel for the petitioner submits that co-accused Ram Pravesh Yadav and Manoj Kumar Brahmchari have been granted anticipatory bail by coordinate bench of this court.

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The injury report has been annexed with the C.D. wherein the doctor has found lacerated wound over chest and right fore-arm of the injured Surendra Master. The injury, received on the person of the injured Surendra Master corroborates the allegation as made in the written report by the informant.

As per written report, there is specific allegation against this petitioner of causing fire arm injury to Surendra Master, which is also supported by the statement of Surender Master in his statement recorded by the police in para-27 of the case diary.

Therefore, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner is rejected.

The petitioner is directed to surrender in the court below and seek regular bail and if, the petitioner does so, the court below shall pass order without being prejudiced by this order, looking into the injury sustained by the injured as mentioned in the case diary.

(Sanjay Priya, J)

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