

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3231 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -DARAUNDHA District- SIWAN

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Chandan Kumar @ Chandan Kumar Gupta, Son of Bacha Prasad, Resident
of village - Ramchandrapur, P.S. Daraunda, District - Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramchandra Sahni, Advocate

For the Opposite Party : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-02-2017

This is an application for grant of anticipatory bail
for offences punishable under Sections 307/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Heard learned counsel for the petitioner.

It has been submitted on behalf of the petitioner that
allegation against the petitioner is that he had fired from his pistol
but no injury was caused either to the informant or any other
person. Petitioner has falsely been implicated in this case.

Heard learned A.P.P. also.

Heard both sides. On perusal of the record, it appears
that earlier one co-accused Neeraj Kumar has been granted regular
bail and considering the aforesaid the court below directed the
petitioner to surrender before the court within a period of three



months and produce all the required documents. Thereafter, court below would dispose of his bail application. But petitioner without following the direction of the court below, moved this Court by filing anticipatory bail application.

From the allegation it appears that petitioner fired shot from pistol but that did not cause any injury to any one.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner, the same is rejected. Petitioner is directed to surrender in the court below, i.e., Chief Judicial Magistrate, Siwan, in connection with Daraunda P.S. Case no. 164 of 2016 and make prayer for regular bail which shall be considered by the court below taking into account the fact that there is no injury on any person and further no recovery is made from the possession of the petitioner and disposed of the same preferably on the same day without being prejudiced by the order of this Court.

With the aforesaid observation this application shall stand disposed of.

(Vinod Kumar Sinha, J)

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