

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5443 of 2017

Arising Out of PS.Case No. -188 Year- 2016 Thana -AKBARPUR District- NAWADA

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Gulshan Kumar, S/o Sri Niranjan Sharma R/o Village-Lakhmohna P.S.
Akbarpur, District-Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-02-2017 Heard both sides.

The petitioner apprehending his arrest in connection with Akbarpur P.S. Case No. 188 of 2016 instituted for the offences punishable under Sections 341, 323, 307, 504, 506, 379/34 of the Indian Penal Code and Section 27 of the Arms Act, has approached this Court for grant of anticipatory bail.

In substance, the allegation against the F.I.R. named accused including the petitioner are that on 30th October, 2016 at about 08:00 P.M., when the informant was returning to his home, the F.I.R. named accused persons including the petitioner intercepted and abused him. The petitioner allegedly pointed out his pistol to kill him and further the petitioner and accused persons namely, Nunu Lal Sharma and Nitish Kumar attempted to cut his vain. On raising hulla, some villagers reached the



place of occurrence, whereafter the accused persons fled away.

Learned counsel for the petitioner submits that the instant case has been lodged on account of land dispute. The petitioner had purchased a land for which he had applied for mutation. The informant had opposed his mutation. The allegation of assault is omnibus and the injury allegedly caused is simple in nature and that too was not caused by the petitioner. The petitioner has no criminal antecedent and he deserves anticipatory bail.

Learned APP, on the other hand, opposed the prayer.

The injury on record shows that the informant sustained two injuries which are simple in nature. It further appears that a Mutation Appeal No. 69/16-17 is pending between both of them since before the present case.

Considering the above facts, the prayer of anticipatory bail is allowed and the petitioner above named, in the event of arrest/surrender within four weeks from today is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Nawada in Akbarpur P.S. Case No. 188 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that:



- (i) One of the bailors shall be his own/close family member.
- (ii) The petitioner shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Sanjay Kumar, J)

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