

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12958 of 2017

Arising Out of PS.Case No. -863 Year- 2016 Thana -BIHTA District- PATNA

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Arvind Singh @ Shyam Kishore Singh son of Ram Pravesh Singh
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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WITH

Criminal Miscellaneous No.17752 of 2017

Arising Out of PS.Case No. -863 Year- 2016 Thana -BIHTA District- PATNA

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1. Mritunjay Kumar Raj @ Sheru Singh, Son of Ramadhar Singh,
Resident of Village- Bindaul, Police Station- Bihta, District- Patna.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

(In Cr.Misc. No.12958 of 2017)

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

(In Cr.Misc. No.17752 of 2017)

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-05-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The Petitioners are apprehending their arrest in Bihta
P.S. Case No.863 of 2016, registered for the offences punishable
under Sections 147/148/149/307/324/504 of the Indian Penal
Code and Section 27 of the Arms Act, pending in the Court of
Additional Chief Judicial Magistrate, Danapur.



It appears that two groups fired against each other. Allegation against the petitioners is that they also fired causing injury to different persons.

Submission of the petitioners is that the F.I.R. apparently is highly unbelievable because it is not possible to gauze at the time of firing from both sides as to whose fire had hit which part of the body of the injured. Everything has been manufactured just to harass the petitioners.

Learned counsel for the informant opposed the prayer on the ground that injury report is consistent with the allegation.

Considering the aforesaid facts, in my view, this is not a fit case for anticipatory bail. However, in the event of surrender of the petitioners, the Court-below shall dispose of the prayer for regular bail without being prejudiced by this order and also considering the fact that both sides have alleged firing by each others. Prayer for regular bail shall be disposed of by the learned Court-below at the earliest preferably and if possibly on the same day.

Accordingly, both these applications stand disposed of.

(Birendra Kumar, J)

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