

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16170 of 2017

Arising Out of PS.Case No. -148 Year- 2016 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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1. Akshay Kumar, Son of Krishna Prasad, residents of Rasalpur, Police Station- Fatuha, District- Patna.
 2. Dinesh Prasad, Son of Late Deonath Prasad, residents of Village- Aaraut, Police Station- Wena (Chandi), District- Nalanda.
 3. Jeevendra Prasad, Son of Late Deonath Prasad, residents of Village- Aaraut, Police Station- Wena (Chandi), District- Nalanda.
 4. Jitendra Kumar @ Bablu Yadav, Son of Surendra Prasad, residents of Village- Kichni, Police Station- Harnaut, District- Nalanda.
 5. Ganesh Kumar, Son of Naresh Rai, residents of Village- Ghoswari, Police Station- Bakhtiyarpur, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-07-2017 Heard both sides.

The petitioners apprehend their arrest in Harnaut P.S.
Case No. 148 of 2016 registered for the offences punishable under
Section 307 and other Sections of the Indian Penal Code and under
Section 27 of the Arms Act.

The informant named the petitioners and other accused
persons and alleged that on 26.05.2016 all the accused persons
having armed with firearms came to the house of the informant.
Jitendra Kumar @ Bablu Yadav fired which hit in the abdomen of



Sarveshwaranand, son of the informant. Dharmvir Kumar assaulted her husband with butt of pistol. Surendra Prasad also assaulted the husband of the informant. The police came and thereafter the accused persons fled away.

Learned counsel for the petitioners submits that the occurrence took place at the polling booth. Sindushekhar Singh, the SHO of Harnaut police station lodged Harnaut P.S. Case No. 147 of 2016 under Section 307 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act. The informant of Harnaut P.S. Case No. 147 of 2016 alleged that supporters of both the candidates of Mukhiya, the petitioner and informant, had assembled at the booth. They were trying to capture the booth and they made firing against each other. The police prevented to capturing of the booth. It is submitted that the informant, herself, filed Complaint Case No. 526 of 2016 and gave a different story about the occurrence. It is further submitted that the supervising authority found that in police firing the son of the informant got injuries.

Learned APP however opposed the prayer for anticipatory bail of the petitioners.

From the case diary it appears that the informant and other witnesses stated about the occurrence and from perusal of



paragraph-42 of the case diary, it appears that Sarveshwaranand got injuries caused by firearm in his abdomen but, the investigating officer did not take the statement of Sarveshwaranand in the entire case diary.

Considering the facts aforesaid and the fact that the petitioners having armed with firearms went to the house of the informant and made indiscriminate firing, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

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(Prabhat Kumar Jha, J.)

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