

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32595 of 2017

Arising Out of PS.Case No. -54 Year- 2017 Thana -BUXAR MUFFSIL District- BUXAR

- =====
1. Jai Prakash Pathak, son of Parash Nath Pathak,
 2. Malik Pathak, son of Radha Kishun Pathak, Both are resident of Village- Jaso, P.S.- Buxar (M), District- Buxar.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 10-08-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Buxar (M) P.S. Case no. 54 of 2017, registered under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation of informant Akhilesh Pathak is that his grandson Anjlesh Pathak was cutting castor plant (Rand) for performing holika festival. At that time, five persons named in the F.I.R. including the petitioners reached there and forcibly took the Rand plant and also abused Anjlesh Pathak, grandson of the informant, on which he made protest. Thereafter, all the five persons including the petitioners reached at the door of the informant making firing. At that petitioner No.1 Jai Prakash Pathak and Guddu @ Vimal Pathak



opened fire and entered in the house of informant and opened fire at Rina Devi, wife of the informant, who sustained injury and fell down.

Learned counsel for the petitioners submits that while petitioner No.2 Malik Pathak is named in the F.I.R., but no specific overt act has been attributed against him, whereas specific allegation has been made against petitioner No. 1 Jai Prakash Pathak, who caused fire arm injury to the wife of the informant, but the injury found on the person of his wife is simple in nature.

Having regard to the facts and circumstances of the case and nature of allegation against the petitioner No.1, I am not inclined to grant anticipatory bail to the petitioner No.1 Jai Prakash Pathak and his prayer for grant of anticipatory bail stands **rejected**.

So far as the petitioner No.2, namely, Malik Pathak is concerned, he is directed to be released on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM-V, Buxar in connection with Buxar (M) P.S. Case No. 54 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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