

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31364 of 2017

Arising Out of PS.Case No. -250 Year- 2016 Thana -BAKHTIYARPUR District- PATNA

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Shiv Shankar Yadav @ Shiv Shankar Kumar Son of Wakil Rai (But in FIR Son of Jamahir Rai is mentioned which is wrong), R/o Village- Saraypur (in FIR Wrongly mentioned as Dewriya Jarahua), P.S.- Ganga bridge (But in FIR, P.S.- Bakhtiarpur is wrongly mentioned), District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-08-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Bakhtiarpur P.S. Case No. 250 of 2016 for the offences punishable under sections 341, 323, 307, 504 and 34 of the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioner and other FIR named accused persons came on the Bolero and opened indiscriminate firing causing injury on the left arm of nephew of the informant and thereafter they fled away after leaving the Bolero.

Submission is of false implication and that against three persons there is allegation for opening fire but only one



injury has been found and that is also not on the vital part and as such the petitioner deserves sympathetic consideration as the case has already been compromised between the parties and the compromise petition has also been filed which is Annexure-2.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that firearm injury was found by the doctor.

In the facts and circumstances as stated above, considering that there is omnibus and general allegation for opening fire but only one injury has been found and that is also on the left upper arm and further considering the compromise arrived at between the parties, the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. A.C.J.M. Barh in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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