

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27967 of 2017

Arising Out of PS. Case No. -11 Year- 2017 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Gonour Singh son of Rajendra Singh, Resident of Village- Chakajinizam,
P.S.- Mahua, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh
For the Opposite Party/s : Mr. Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 13-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest
in connection with Mahua P.S. Case No. 11 of 2017 registered for
offences under sections 307, 324, 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

An allegation has been made that on 12.1.2017 at 7.30
AM, when Amit Kumar reached near Manki Singh, he ordered to
kill him, whereupon, Sanjay Kumar Singh and Surendra Rai came
there and, in the meantime, Manoj Kumar Singh, Vishwanath
Singh and Shambhu Singh started assaulting him. Vinod Singh
fired from the pistol on the temple of Amit Singh as a result of
which he died at the spot. An allegation has been made against the



petitioner Gonour Singh and one Akhilesh Singh of assaulting the deceased with sword with an intention to kill which caused injury on the head, whereupon, the deceased fell down.

Learned counsel for the petitioner submits that the deceased Amit Kumar was a veteran criminal and when the police reached there, they also started quarrelling with the police. Learned counsel for the petitioner further submits that the petitioner has a right to private defence and that is why he has used the arms. It has been submitted that the present case is a counter blast of Mahua P.S. Case No. 10 of 2017 lodged by co-accused Binod Kumar Singh against Amit Kumar and others.

In the First Information Report, the name of the petitioner has been shown to have caused injury. Learned counsel for the petitioner submits that it is not corresponding to the injury claimed in the F.I.R. but, there is a specific allegation against the petitioner to have used sword.

Looking to the nature of offence, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner, namely, Gonour Singh is rejected.

If the petitioner surrenders before the court below, the court below will consider the prayer for bail of the petitioner and



will pass orders in accordance with law without being prejudiced
by this order.

(Shivaji Pandey, J)

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