

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47422 of 2017

Arising Out of PS. Case No.-304 Year-2017 Thana- ARA NAGAR District- Bhojpur

Dilip Kumar, Son of Ram Kumar Yadav, R/o Bhalautipur, P.S.- Ara Nagar,
District- Bhojpur(Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Bhushan, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-10-2017 Heard learned Counsel appearing on behalf of the
petitioner and learned APP for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 326, 307, 504 of the I.P.C. and Section 27 of the Arms Act.

Prosecution case is that the petitioner and co-accused persons abused and assaulted the elder brother of the informant while he was getting his drain cleaned. On receiving such information, the informant reached the place of occurrence where he was also assaulted by the petitioner and other accused persons. The petitioner fired twice in the air, whereas, co-



accused, Sonu Kumar, shot at the informant, which caused injury on the right thigh of one Sonu Pandey.

It is submitted by learned Counsel appearing on behalf of the petitioner that the accusation has been levelled in the background of land dispute. Admittedly, the petitioner resorted to fire in the air, which suggests he had no intention to kill the informant, hence, no case under Sections 307 or 326 of the IPC or Section 27 of the Arms Act is made out. The assailant Sonu Kumar has already surrendered. Moreover, the non-assailants have been granted anticipatory bail by the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioner is having no criminal antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail of the petitioner submits that the accusation of causing injury is not specific against the petitioner.

Considering that there is no specific accusation of causing injury against the petitioner and that he is having no criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned CJM, Bhojpur at Ara, in connection with Ara Nagar P.S. Case No.304/2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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