

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34774 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -GAURICHAK District- PATNA

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1. Arvind Singh @ Arvind Kumar
 2. Navin Singh @ Navin Kumar Singh
 3. Abhishek Kumar @ Dhiraj Kumar
 4. Sunny Kumar
 5. Om Prakash Kumar @ Sachin Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Pandey

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 10-08-2017 Heard the learned counsel for the petitioners, the learned counsel for the informant and the learned Additional Public Prosecutor.

The petitioners apprehend their arrest in Gaurichak P.S. case No. 19 of 2017 under Section 307 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant, Pintu Kumar Singh, named as many as eight persons in the FIR including the five petitioners. The informant alleged that earth filling work was going on but the petitioners and others came and made protest and entered into scuffle. It is further alleged that Arun Kumar Singh took out pistol and opened firing on Mukhiya but the firing hit Pintu Kumar



Singh.

The learned counsel for the petitioners submits that on the same day Abhishek Kumar @ Dhiraj Kumar, petitioner No.3, lodged Gaurichak P.S. case No. 18 of 2017 under Section 307 and other Sections of the IPC and under Section 27 of the Arms Act against the Mukhia and his men. The Mukhia was forcibly cutting soil from the land of the petitioners and when the petitioners objected, Mukhia and his men made indiscriminate firing in which Abhishek Kumar @ Dhiraj Kumar got fire arm injury in his abdomen and he was under treatment in PMCH, Patna. It is further submitted that on the same date Mukhia and his men assaulted Navin Kumar Singh, petitioner No.2, for which Gaurichak P.S. case No. 28 of 2017 was registered. It is submitted that Mukhia and his men made firing causing injury to Pintu Kumar Singh, the informant, and later on it was the Mukhiya who set up Pintu Kumar Singh to lodge the case. No specific allegation is made against the petitioners.

The learned Additional Public Prosecutor as well as the learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

It appears that there is a case and counter case. Earth filling work was going on but the petitioners protested cutting of



soil from the field. The Mukhia is said to have exhorted his men on which firing was made in which Abhishek Kumar @ Dhiraj Kumar, petitioner No.3, also got injuries. Petitioner No.2 also filed Gaurichak P.S. case No. 28 of 2017. There is no specific allegation against the petitioners and petitioners are alleged to have fled away firing shots in the air after arrival of the police.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Anant Kumar, learned Judicial Magistrate, 1st class, Patnacity, Patna in connection with Gaurichak P.S. case No.19 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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