

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61740 of 2017

Arising Out of PS. Case No.-255 Year-2017 Thana- TAJPUR District- Samastipur

Sunil Kumar Gupta @ Bablu Sah S/o Sheo Sagar Sah, R/o Village- Thahra
Gopalpur, P.S.- Pusa , District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Adv.

For the Opposite Party/s : SRI ARUN KUMAR SINGH -5, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 324, 326, 307/34/120B of the I.P.C. and Section 27 of the Arms Act, subsequently, sections 25(1-B)a, 26, 35 of the Arms Act were also added.

Prosecution case as per the fardbeyan of Sachin Kumar, recorded by Sub Inspector of Police Vishwajit Kumar of Waine O.P. of Samastipur, is to the effect that while the informant was sitting at his door along with Ramdeo Paswan, Saurav Kumar and his mother Meena Devi, in the meantime, three accused persons came and Kanhaiya Ram shot at the chest of the informant. When brother of the informant namely, Saurav



Kumar, tried to snatch the gun from Kanhaiya Ram, then Kanahaiya Ram fired on him causing injury on his eye brow. Thereafter, the neighbours raised alarm, after which the accused persons escaped from the scene. It is alleged that the petitioner directed the accused persons to flee away so that they do not get caught by the police. It is further alleged that one year earlier also, the informant was attacked, leading to registration of Samastipur Muffasil P.S. Case No.257 of 2016.

It is submitted by learned counsel for the petitioner that petitioner is not an accused in Samastipur Muffasil P.S. Case No.257 of 2016. The informant is a veteran criminal. The petitioner has purchased three katha of land in the name of his wife at Pusa road and runs a shop at Pusa road. The informant did not allow the petitioner to make construction, leading to submitting an Informatory Petition to the SDM, Samastipur vide Sanha No.175 of 2017, as contained in Annexure-2. In the shop of the petitioner, theft was also committed at the behest of the informant leading to registration of Tajpur (Waini O.P) P.S. Case No.156 of 2017, as contained in Annexure-3. It appears from the letters of the SDM, Samastipur to the Circle Officer, Pusa dated 22.06.2017 and 18.07.2017, as contained in Annexure-4 series, that he directed for ensuring the security of the petitioner.



Obviously, the accusation of assault has not been levelled against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP appearing on behalf of the State that not only accusation of assault has been made against this petitioner, but also he is named in the FIR.

Considering the thrust of accusation against Kanhaiya Kumar coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any 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 ACJM-1, Samastipur, in connection with Tajpur (Waini O.P.) P.S. Case No.255 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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