

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61025 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -GAURICHAK District- PATNA

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1. Pintu Singh @ Chhotu, S/o Bhrigun Nath Singh,
 2. Om Prakash Kumar, S/o Bhrigun Nath Singh,

Both are resident of Village- Taranpur, P.S.- Gaurichak, District- Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Sri Nand Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 22-12-2017 Heard Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Gaurichak P. S. Case No. 18 of 2017 registered under Sections 307, 147, 148, 149, 341, 342, 323, 324, 379, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

It is submitted by Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioners that so far as petitioner no. 1 Pintu Singh is concerned, there is no allegation in the FIR that he assaulted any one in the alleged occurrence.



So far as petitioner no. 2 Om Prakash Kumar is concerned, though he is alleged to have assaulted with an iron rod on the face of the informant, the doctor, who examined the informant, did not find any corresponding injury on his face. He submitted that for the alleged occurrence, a counter case was also instituted and it would be apparent from the FIR of the counter case bearing Gaurichak P. S. Case No. 19 of 2017 that one member of the prosecution party Vishal Kumar @ Avinash had opened fire as a result of which petitioner no. 1 Pintu Singh had sustained firearm injury.

Learned Additional Public Prosecutor for the State opposed the prayer for grant of pre-arrest bail to the petitioner. However, he did not dispute the fact that there is case and counter case and in the alleged incident petitioner no. 1 had sustained firearm injury.

Regard being had to the submissions advanced on behalf of the parties as also the facts and circumstances of the case, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Patna City, District- Patna in Gaurichak P. S. Case No. 18 of 2017, subject to the conditions



as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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