

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1160 of 2017

Arising Out of PS.Case No.97 Year- 2016 Thana -PAKRIDAYAL District- EAST CHAMPARAN
(MOTIHARI)

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Vijay Singh, Son of Suran Singh, Resident of Village- Tharbitiya, Police
Station- Pakridayal, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 09-02-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks anticipatory bail in a case instituted
for the offence under Sections 307, 302, 120(B), 34 of the Indian Penal
Code and Section 27 of the Arms Act.

It has been submitted that there is general and omnibus
allegation against the petitioner. One of the injured namely, Madhav
Lal Sahni, who has survived, did not take the name of the petitioner in
his statement before the police. The other co-accused Rameshwar
Narayan Singh @ Chhedi Singh has been granted anticipatory bail by a
coordinate Bench of this Court vide order dated 22.12.2016 passed in
Cr. Misc. 42764 of 2016.



It is alleged in the written report that on the date of occurrence, six persons came on Apache motorcycle and made firing causing serious injuries to brothers of the informant Madhav Lal Sahni and Amitabh Sahni. Both the injured were brought to the hospital, but Amitabh Sahni died, whereas Madhav Lal Sahni was admitted in the hospital for treatment. The informant alleged that the petitioner along with the accused persons as mentioned in the written report has caused firearm injuries to his brothers.

Case diary has been received. Learned A.P.P. after perusal of the case diary has pointed out that witnesses in paragraphs-8, 9 and 10 have not levelled any allegation of specific overt act against the petitioner. The statement of one of the injured Madhav Lal Sahni has been recorded in paragraph-69 of the case diary wherein he has also not taken the name of the petitioner.

Considering the facts and circumstances of the case, let the petitioner above named in the event of surrender within six weeks from the date of receipt of this order, in connection with Pakridayal P.S. Case No. 97 of 2016, shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Motihari, East Champaran, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

(Sanjay Priya, J)

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