

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47421 of 2017

Arising Out of PS. Case No.-35 Year-2017 Thana- MADHUBAN District- East Champaran

Jawahar Rai @ Jawahar Prasad Yadav, S/o Late Kishori Rai, Resident of
Village- Krishna Nagar, P.S.- Madhuban

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, 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 326/307/34 of the I.P.C. and section 27 of the Arms Act.

The prosecution case is that the informant Shankar Prasad came to attend the marriage ceremony of his brother-in-law's daughter (Sardhu) at his house when the petitioner, Jawahar Roy, and co-accused, Bishu Sah, both of them, began firing in the air, on the eve of marriage ceremony, but accidentally, one of the firings hit left arm of the informant and thereafter the accused persons escaped from the scene.

It is submitted by learned Counsel appearing on behalf of the petitioner that even as per the own admission of the informant, the firing accidentally hit the informant and it is



not specific in the FIR as the firing made by the petitioner or the co-accused, Bishu Sah, hit the informant. The injury report suggests the injury simple in nature. Moreover, the informant has retracted from his initial version. Statement made in paragraph no.3 of the petition suggests that apart from the present case the petitioner is accused in one other case of petty nature in which he is on bail.

Considering the fact that as per the FIR the informant received the injury accidentally, moreover, the informant has retracted from his initial version, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, East Champaran, Motihari, in connection with Madhuban P.S. Case No.35 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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