

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18174 of 2017

Arising Out of PS.Case No. -325 Year- 2016 Thana -BAKHTIYARPUR District- PATNA

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1. Rajiv Kumar, Son of Nandu Prasad.
2. Ganauri Kumar @ Nagauri Kumar, Son of Bachchu Prasad.
3. Malu Kumar, Son of Nandu Prasad.
4. Nandu Prasad @ Nandu, Son of Shital Prasad, All are resident of village: Lakshmanpur, P.S.:- Bakhtiyarpur, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar, Advocate.

For the Opposite Party : Mr. Ahmad Ali, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-05-2017 Heard both sides.

The petitioners apprehend their arrest in Bakhtiyarpur P.S. Case No. 325 of 2016 registered for the offences punishable under Section 307, 326 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that his nephew Ranjit Kumar drives auto rickshaw and for parking the auto rickshaw, the drivers of auto rickshaw were quarreling each other. Ranjit Kumar asked the reason for quarreling, on such Rajiv Kumar began to abuse Shankar Kumar. Ranjit Kumar asked not to abuse, on such Rajiv Kumar, Ganauri Kumar @ Nagauri Kumar petitioner no. 2, Malu Kumar petitioner no. 3, Nandu Prasad @ Nandu petitioner no. 4, and Sukendra Kumar assaulted the nephew of the informant. On



alarm, Jaipal Prasad and Bishambhar Kumar also came there and fired, which hit, on the shoulder of the informant.

Learned counsel for the petitioners submits that nephew of the informant did not receive any injury. The petitioners are alleged to have assaulted the nephew of the informant. Allegation of firing is made against Jaipal Prasad and Bishambhar Kumar. The informant received one firearm injury on his shoulder. The informant did not allege that the petitioner also fired but, in his further statement the informant made allegation that the petitioner also fired.

Learned counsel for the informant as well as learned APP opposed the prayer for anticipatory bail and submitted that there is allegation against the petitioners that they fired but, it appears that the informant made specific allegation of firing against Jaipal Prasad and Bishambhar Kumar. The informant did not make any allegation against the petitioners that they fired. The informant made further statement that the petitioners also fired.

Considering the facts aforesaid the petitioners above named, in the event of their arrest or surrender before the 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Barh, Patna in Bakhtiyarpur P.S. Case No. 325 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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