

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5096 of 2017

Arising Out of PS. Case No. -18 Year- 2016 Thana -UCHAKAGAON District- GOPALGANJ

=====

Mithu Gaddi, son of Late Mishri Gaddi, resident of Village- Itwa, P.S.-
Uchkagoan, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Panchanand Pandit, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 18-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection
with Uchkagaon P.S. case no. 18 of 2016 registered under
Sections 307/34 of the Indian Penal Code and 27 of the Arms Act.

Allegation of the informant is that on 19.01.2016 at
about 10.00-10.30 A.M. his son, Hira Lal Yadav, had gone to
supply the milk at Mirganj market and by that time the informant
also proceeded for Mathiya. In the meantime, his villager Taklu
informed him that his son has been shot fire in the way, then he
went to the place of occurrence and carried his son at home and
from there the informant taken his son to Sadar Hospital,
Gopalganj for treatment from where his son was referred to
Gorakhpur for better treatment. The informant raised suspicion



against Subash Gaddi, Sipahi Gaddi and Mithu Gaddi (petitioner) having hand in causing fire injury to his son due to the land dispute, as earlier they had given threat of dire consequences, if the land is not vacated. The informant further alleged that earlier firing was also made on his son in the dark night, but none was identified.

Learned counsel appearing on behalf of the petitioner submits that the occurrence is said to have taken place on 19.01.2016 at 10.00 A.M., but the fardbeyan of the informant was recorded on 20.01.2016 at 10.10 A.M., while he was present with injured and till that time he did not disclose that his son stated to him that he had seen the accused causing fire arm injury to him. He further submits that the police in course of investigation recorded the statement of injured in paragraph 34 of the case diary, in which he has stated that one Subash Gaddi and this petitioner came behind him and Subash Gaddi shot fire, causing injury to him, as such according to the statement of injured also, the petitioner is not the assailant of the injured and due to land dispute, being the brother of Subash Gaddi, the petitioner has been implicated in this case.

In the facts and circumstances of the case, in the event of arrest or surrender before the Court below within four weeks from today the above named petitioner be released on bail



on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Uchkagaon P.S. case no. 18 of 2016 subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Rajendra Kumar Mishra, J.)

Uday/-

U		T	
---	--	---	--

