

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32287 of 2017

Arising Out of PS.Case No. -33 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Lallan Singh @ Lalan Singh son of late Manikant Singh
2. Golden Kumar Singh son of late Manikant Singh Both are residents of village Mahisari, Police Station Ujiarpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Choudhary

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 29-08-2017 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bibhutipur Police Station Case No. 33 of 2017, disclosing offences under Sections 307, 354/34 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioners has submitted that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, according to the F.I.R., petitioner No. 2 happens to be order giver and no specific over act is attributed against him. So far petitioner No.1 is concerned, there is allegation of shot fire against him, but no any firearm injury has caused to the informant, which is evident



from injury report. Therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioners. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner No.2, namely, Golden Kumar Singh, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 learned 4th Additional Chief Judicial Magistrate, Rosera, Samastipur, in connection with Bibhutipur Police Station Case No. 33 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner No.1, is concerned, considering the specific allegation of firing against him, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of this petitioner is rejected.

(Arvind Srivastava, J)

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