

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42950 of 2017

Arising Out of PS. Case No.-71 Year-2017 Thana- SAHPUR District- Patna

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1. Bijendra Kumar @ Benga Rai Son of Sri Ram Suresh Singh
 2. Golu Kumar
 3. Bittu Kumar Both are Sons of Sri Nazir Rai, all Resident of Village-Habashpur, Police Station-Shahpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishore
For the Opposite Party/s : Mr. MD. ANZARUL HAQUE SAHARA

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-09-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Shahpur P.S.Case N0. 71 of 2017, disclosing offences under Sections 147,148,341,323,504,506,379,120B of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners are named in the First Information Report on the allegation that they snatched a motor cycle of informant's son and subsequently when informant's side intervened, they opened fire. The informant is said to have received fire arm injury in his leg.

Learned counsel for the petitioners has made two submissions. According to him, it is evident from the First



Information Report that the motor cycle has been recovered. Secondly, it has been submitted that there is no specific allegation of opening fire against the petitioners.

Learned counsel for the informant, on the other hand, has submitted that similar allegation is there against co-accused Subodh Kumar, who had approached this Court for grant of regular bail and, therefore, the petitioners should also apply for regular bail.

Since the co-accused Subodh Kumar has been granted regular bail, I do not find any reason why anticipatory bail should not be allowed to the petitioners, in the present facts and circumstances of the case.

Considering the above submission, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released 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, Danapur in Shahpur P.S. Case No. 71 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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