

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47044 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -SAKRA District- MUZAFFARPUR

=====

Santosh Kumar @ Sonu @ Santosh Thakur @ Santosh Thakur, son of Late Rajendra Thakur, Resident of Village Rajapakar, P.S. Sakara (Bariyarur O.P) District Muzaffarpur, presently residing at Mohalla Bhagwati Colony, Chauhatta Hajipur, P.S. Town Hajipur, District Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Mahendra Thakur, Advocate

For the Opposite Party : Mr. Sri Nand Kumar (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-12-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner apprehends his arrest in connection with Sakra P.S. Case No. 59 of 2017, registered for the offence punishable under Section 307/34 of the Indian Penal Code and Section 27 of Arms Act.

The allegation against the petitioner is that he opened four round firing with pistol on Alok Thakur, the son of the informant, causing serious injury to him. Earlier also the petitioner has inflicted knife blow on him.

Submission is of false implication and that the petitioner is working as L.I.C. agent and residing in Hajipur town from his childhood, he has own house in Hajipur town the P.O. village is the native village of the petitioner where he has landed



property. The petitioner occasionally used to go at the P.O. village to look after his landed property. Some of his land has been encroached by the informant and several times it was requested for measurement and proper demarcation but the informant did not agree. On the application of the petitioner, the Circle Officer Sakra has issued notice twice to the informant and others and one Baleshwar Ram was appointed as Amin but the informant and others do not want to get the land measured. The petitioner has met an accident by motorcycle and sustained serious injury on 09.03.2017 and thereafter he was admitted in Government Sub-Divisional Hospital, Mahua District Vaishali where his treatment has been done and on the next day he has been discharged but he has been falsely implicated in this case, no case as alleged is made out and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the petitioner has caused fire arm injury to the son of the informant and the witnesses during investigation have supported the prosecution version. Three empty cartridges and one bullet was seized from the spot which is mentioned in para 12 of the case diary. The injury report also corroborates the prosecution



version.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Sakra P.S. Case No. 59 of 2017, pending in the Court of learned A.C.J.M.-cum-Sub-Judge-13th , Muzaffarpur.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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

