

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6535 of 2018

Arising Out of PS.Case No. -890 Year- 2017 Thana -SAHARSA District- SAHARSA

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Chulbul Pandey @ Shorabh Tiwari @ Saurabh Tiwari, S/o Shushil Kumar Tiwari, Resident of Mohalla- Tiwari Tola, Ward No. 33, P.S. Saharsa, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 02-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 307/34, 341, 323 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case as per the fardbeyan of Bhagwan Das recorded by S.I. Arvind Kumar Mishra in Surya Hospital on 30.08.2017 at 4.30 P.M. is to the effect that on 30.08.2017 at about 3.30 P.M. the informant was sitting at his door along with his brother-in-law Bimal Sharma, in the meantime, Vanshraj, Ashish Mishra, Kanhaiya Mishra and



petitioner Chulbul Pandey came along with 2-3 unknown persons on motorcycle at the door of the informant and resorted to firing. In the meantime, Ashish Mishra fired on the informant causing injury on his left hand elbow.

It is submitted by learned counsel for the petitioner that the specific accusation of causing firearm injury is against co-accused Ashish Mishra. The accusation of firing in the air is omnibus and general against all the accused persons including the informant. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is also named in the FIR.

Considering the fact that accusation of firing is against co-accused Ashish Mishra and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Saharsa in connection with Saharsa Sadar P.S. Case No. 890 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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