

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1518 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- KARAI PARSARAI District- Nalanda

Jhimi Gope, Son of Late Sita Yadav, Resident of Village- Ashiapar, Police
Station- Karai Parsurai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. SRI RAM PRIYA SARAN SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 307/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the self statement of Rakesh Kumar, being the Officer-In-Charge of Karai Parsurai Police Station is to the effect that on 14.06.2017 at 06.35 PM, the informant received an information that in the village Binsa Salempur, firing is going on, over a dispute with regard to lifting of sand from Kararua river. Thereafter, the informant lodged a Sanha and proceeded for the spot with police force at 7.30 PM and when the informant reached the spot near Kararua river then the villagers came to the informant and on enquiry, they suggested that since the villagers were protesting against lifting



of sand, hence, co-accused Pintu Yadav, Sukumar Yadav, Mahesh Yadav, Yamum Paswan, Pappu Paswan and the petitioner, Jhimi Gope and 3-4 other persons resorted to firing, but none received any injury.

It is submitted by learned counsel for the petitioner that for the same incident, the villagers also lodged a case being Karai Parsurai P.S. Case No. 66 of 2017, under Sections 307, 353 and 414 of the IPC and Section 27 of the Arms Act, in which the petitioner has been granted anticipatory bail. This is not in dispute that none received any injury. The petitioner was not present on the spot, but he has been named by the villagers. Hence, the present case has been lodged by the police official to save their own skin. Though, the petitioner is accused in three other cases also, but he is on bail in all the three cases.

Learned APP submits that the accusation of firing has been made against the petitioner also.

Considering the fact that the petitioner has been granted bail in a case lodged for the same incident, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to



the satisfaction of learned Additional Chief Judicial Magistrate,
Hilsa, Nalanda in connection with Karai Parsurai P.S. Case No.
65 of 2017, subject to the condition as laid down under Section
438(2) of the Cr. P.C.

Learned court below will be at liberty to cancel the bail
bonds of the petitioner if he substantially gets involved in some
serious nature of offence.

(Dinesh Kumar Singh, J)

Amrendra/-

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