

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64247 of 2018

=====

1. Chhotu Kumar @ Chhote Kumar, Son of Ashok Kumar Sah.
2. Jay Kumar Ram @ Jay Kumar, Son of Bechan Ram. Both Residents of
Village-Yaduapatti, Police Station Kumarkhand, Distt.-Madhepura.
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Uday Chand Prasad, Advocate.
For the Opposite Party : Mr. Ataur Rahman, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 324, 307, 504,
506/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 15.05.2018
at about 7.00 P.M., in the evening, the informant was returning to
his house from Chakmaka as usual daily routine after shutting his
shop, on way, the accused persons including the petitioners
Chhotu Kumar and Jay Kumar overtook his motorcycle, but he
tried to flee away then on order of petitioner no. 2 Jay Kumar Ram
@ Jay Kumar, petitioner no. 1, Chhotu Kumar @ Chhote Kumar
opened fire from his firearm, which hit into his back and fell down
on the ground.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to previous enmity. Petitioner no. 1 is alleged to have caused injury upon the informant. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out. No injury is attributed against petitioner no. 2.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Madhepura, in connection with Kumarkhand P.S. Case No. 85 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

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

(Sudhir Singh, J)