

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49437 of 2017

Arising Out of PS.Case No. -112 Year- 2015 Thana -CHAUTHAM District- KHAGARIA

- =====
1. Narayan Tanti, S/o Late Ram Prasad Tanti,
 2. Bittu Tanti, S/o Narayan Tanti,
- Both are r/o village- Gaddiya, P.S.- Chautham, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Tiwary, Advocate.

For the Opposite Party/s : Smt. Reena Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8 16-01-2018 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners has submitted that Narayan Tanti (petitioner No. 1) has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 5.12.2017.

The petitioner No. 2 apprehends his arrest in **Chautham P.S. Case No. 112 of 2015** instituted for the offence under Sections 341, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

In the written report it is alleged that on the order of Narayan Tanti (petitioner No.1), petitioner No. 2 fired from the pistol which hit the informant as well as his brother-in-law in the hand and thigh, and thereafter, the petitioners fled away.



Learned counsel for the petitioners has submitted that re-statement of the informant has been recorded in paragraph-9 of the supplementary case diary wherein he has stated that one Dular Chand Tanti along with petitioner No.2 made firing causing injury to the informant and his brother-in-law. Similarly, brother-in-law of the informant namely, Nandlal Tanti has also given statement that on the order of Narayan Tanti (petitioner No. 1), Dular Chand Tanati and petitioner No. 2 have made firing causing injury to him. It has further been submitted that re-statement of the informant is different from the statement made in the *Fard-e-beyan* wherein there is specific allegation against petitioner No. 2 that he fired, causing firearm injury to the informant and his brother-in-law.

Learned A.P.P. has submitted that independent witnesses in paragraphs 5, 6 and 7 have supported the case of the informant and levelled specific allegation against petitioner No. 2 of causing firearm injury to the informant.

This Court also finds from perusing statement of the informant as mentioned in paragraph-9 of the supplementary case diary as well as statement of brother-in-law of the informant that they have taken the name of petitioner No. 2 in causing firearm injury to informant. Besides petitioner No. 2, they have also taken



name of Dular Chand Mahto in their subsequent statement.

Therefore, this Court does not find it a fit case for grant of anticipatory bail to petitioner No. 2.

Prayer for anticipatory bail of petitioner No.2 is rejected.

Petitioner No. 2 may surrender before the court below and make prayer for regular bail which shall be disposed off by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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