

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2262 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- AAYAR District- Bhojpur

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1. Ashok Singh @ Ashok Kumar Singh, S/o- Late Ramayan Yadav
 2. Anil Kumar, S/o- Late Gopal Singh, Both are Residents of Village - Ishadhi, P.S.- Ayar, District- Bhojpur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. BRAJ KISHORE PRASAD

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-01-2018

Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149 and 307 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Bimlesh Yadav, submitted to the Officer-In-Charge of Ayar Police Station is to the effect that on 18.10.2017, the informant went in the south of his village, when five persons named in the FIR including the petitioners and two unknown persons surrounded him and started assaulting. It is specifically alleged that the petitioners were armed with firearm and they caused firearm



injury on the thigh of the informant.

It is submitted by learned counsel for the petitioners that in the background of dispute with regard to irrigating agricultural field, the accusation has been levelled. There is counter version of the occurrence also, being Ayar P.S. Case No. 72 of 2017, registered under Sections 147, 148, 149, 341, 325, 307 and 504 of the IPC, lodged by one Mahanth Mahto, against Ram Sakal Mahto being the father of the informant of the present case, and others. The informant has retracted from his initial version and filed a petition to that effect before the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that accusation against the petitioners is of causing firearm injury.

Considering the genesis of the occurrence, the retracted version of the informant and the fact that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned ACJM, Bhojpur, Ara in connection with



Ayar P.S. Case No. 71 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on verification of the fact that the informant has not received any grievous injury due to firing made by the petitioners and if it is found that the informant has received grievous injury due to firing made by the petitioner, then the present order shall become ineffective and in that case, the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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