

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67914 of 2018

Arising Out of PS. Case No.-152 Year-2018 Thana- ARIYARI District- Sheikhpura

-
1. Tanvir Kumar @ Tanvir Chaudhary @ Tanvir Chaudhay, Son of Saheb Chaudhary @ Sahdev Chaudhary
 2. Gulshan Kumar @ Gulshan Chaudhary @ Gulshan Chaudhary, S/o Saheb Chaudhary @ Sahdev Chaudhary
 3. Ratan Kumar @ Ratan Chaudhary @ Ratan Chaudhary, S/o Saheb Chaudhary @ Sahdev Chaudhary All are Resident of Village-Sumka,P.S.Ariyari (Kasar),Distt.-Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar
For the Opposite Party/s : Mr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 324 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of Bhola Choudhary , recorded by ASI, Anil Kumar Ravidas, Kasar Police Station is to the effect that on 19.08.2018, the informant and his son were going to ease out, in the meantime, five accused persons, including the petitioners, variously armed stopped them and thereafter resorted to fire, whereupon, the



informant and his son were trying to flee from there, but petitioner no. 2, Gulshan Kumar Choudhary resorted to fire on the son of the informant, namely, Rahul Kumar which hit on his right leg. When the informant went to rescue his son, the accused persons also resorted to fire on him but it did not hit him.

It is submitted by learned counsel for the petitioners that the accusation of firing on the son of the informant is not against petitioner nos. 1 and 2. The learned Sessions Judge in the impugned order has failed to record the nature of injury caused to the son of the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that petitioner no. 2 is specifically named in the present case to have resorted firing upon the son of the informant.

Considering the fact that the specific accusation of firing is not against petitioner no. 1 and 3, rather it is specific against petitioner no.2, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let petitioner nos. 1 and 3 above named be released on anticipatory bail, in the event of arrest or



surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Sheikhpura in connection with Ariari (Kasar) P.S. Case No. 152 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no. 2, Gulshan Kumar @ Gulsan Choudhary is concerned, since there is specific accusation of resorting fire upon the son of the informant is against him, this Court is not inclined to enlarge him on anticipatory bail.

Accordingly, the prayer for anticipatory bail of petitioner no. 2 is rejected.

Let the learned Court below consider the prayer for regular bail of petitioner no.2 above named, if he surrenders before the learned Court below and pray for regular bail within a period of six weeks in connection with the aforesaid matter.

(Dinesh Kumar Singh, J)

Ashwini/-

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

