

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4050 of 2019

Arising Out of PS. Case No.-264 Year-2018 Thana- GUTHANI District- Siwan

Shambhu Sharan Dubey @ Shambhu Sharan Dwibedi son of late Ram Nagina
Dubey Resident of Village – Bakulari, P.S. - Guthani, District – Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. J.P. Singh, Sr. Advocate

Mr. Dipak Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-02-2019 Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Guthani P.S. Case No. 264/2018 registered under Sections 341, 323, 307, 504/34 of the Indian Penal Code and under Section 27 of the Indian Arms Act.

Learned senior counsel for the petitioner submits that from the narration of the facts and the written report which has given rise to the present F.I.R., it would appear that according to the informant the alleged occurrence took place on 23.11.2018 at about 1:05 P.M. while he was working in his field. The allegation is that this petitioner had also come there with a double barrel gun at about 4:30 P.M. and fired upon the informant which luckily did not hit him.



Learned senior counsel has further pointed out that on the one hand a written report has been submitted in the police station on 24.11.2018, the seizure list prepared by police shows the date of seizure is 23.11.2018 at about 5:50 P.M. It is submitted that there is not only delay in lodging of the F.I.R. but is also no explanation with regard to the manner in which seizure list has been prepared.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

In the given facts and circumstances of the case considering that no injury has been caused to the informant from the alleged firing by the petitioner and that there appears some *prima facie* force in the submission of learned senior counsel with regard to the preparation of seizure list, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Guthani P.S. Case No. 264 of 2018, subject to condition that petitioner shall join investigation by reporting to the Investigating Officer within a period of two weeks from



today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of bail. This will be in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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