

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20463 of 2019**

Arising Out of PS. Case No.-136 Year-2018 Thana- AANDAR District- Siwan

CHHOTE LAL SAH, S/O Bacha Sah, (Name wrongly written as Gaya Sah in the FIR) R/O Village - Ushari Bujurg, P.S.- Andar (M.H.Nagar), District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss. Vagisha Pragya Vacaknavi, Adv.

Mr. Manu Tripurari, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 03-04-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 04.02.2019 in a case registered for the offences punishable under Sections 147, 341, 323, 307, 447 and 506 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case as per the written report of Manoj Kumar Prasad submitted to the S.H.O., Hasanpura P.S. is to the effect that on 16.07.2018 at about 09.30 P.M., the informant was sitting near his door, in the meantime, seven accused persons including the petitioner, came variously



armed and starting abusing the informant. On protest being made, the accused persons started firing upon the informant causing firearm injury on his temporal region, arm and leg, as a result, he fell down. On alarm being raised, the servant of the informant, Sakil Dhobi came to rescue, then the accused persons also fired at him, causing firearm injury on his left hand.

It is submitted by learned counsel for the petitioner that the accusation of causing firearm injuries to the informant and his servant is omnibus and general against seven accused persons, including the petitioner. There is a counter version of occurrence being, Ander (MH Nagar) P.S. Case No.143 of 2018 filed with accusation punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code and under Section 27 of the Arms Act in which the petitioners' side also received firearm injuries. It is further submitted that similarly situated co-accused, Jitendra Sah has been granted bail by Co-ordinate Bench of the Court, vide order dated 06.12.2018 passed in Cr. Misc. No.66581 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the



accusation of firing is against the petitioner and he is named in the FIR.

Considering the fact that the accusation of firing is omnibus and general against seven accused persons including the petitioner, similarly situated co-accused has been granted bail by Co-ordinate Bench of this Court, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **ACJM-IX, Siwan** in connection with **Ander (MH Nagar) P.S. Case No.136 of 2018.**

(Dinesh Kumar Singh, J)

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