

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30942 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- KASHICHAK District- Nawada

1. KUNAL KUMAR Son of Aswani Kumar Resident of Village- Parwati, P.S.- Kashichak (Shahpur O.P.), District- Nawada.
2. Pappu Mahto Son of Brijnandan Mahto Resident of Village- Parwati, P.S.- Kashichak (Shahpur O.P.), District- Nawada.
3. Rajiv Kumar Son of Late Jago Mahto Resident of Village- Parwati, P.S.- Kashichak (Shahpur O.P.), District- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Hansraj
For the Opposite Party/s :	Mr.Md. Matloob Rab
For the Informant :	Mr. Kunal Tiwary
	Mr. Aniket Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-05-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kashichak (Shahpur O.P.) P.S. Case No. 38 of 2019 for the offence punishable under Sections 448, 341, 323, 307 and 338 of the Indian Penal Code and Section 27 of the Arms Act.

There is allegation that the persons, named in the First Information Report, were assaulting the informant's brother and when the informant interceded, they opened fire directing the informant, which missed. It is also alleged that they assaulted a relative of one Awadhesh Singh with *lathi*.

Learned counsel appearing on behalf of the petitioners has submitted that no firearm injury was sustained by



any person and all the injuries have been found to be simple in nature.

Learned counsel appearing on behalf of the informant, on the other hand, opposing the prayer for anticipatory bail, has submitted that from the place of occurrence, empty cartridges have been recovered by the police, which corroborates the case of the prosecution as lodged in the First Information Report.

Be that as it may, keeping in mind the nature of allegation and the fact that no person has received any grievous injury or any firearm injury, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail 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 A.C.J.M.-VI, Nawada, in Kashichak (Shahpur O.P.) P.S. Case No. 38 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their



part to appear before the Court on two consecutive occasions,
their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Pawan/-

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

