

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38665 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- SHEOHAR District- Sheohar

1. HARENDRA SINGH S/O Ramchalitar Singh R/O Village- Harnahi, P.S. and District- Sheohar.
2. Bhola Sahni @ Bhola Kumar S/O Babu Lal Sahni R/O Village- Harnahi, P.S. and District- Sheohar.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Dinesh Jha, Advocate.
For the State	:	Mr. Satyavrat Verma, A.P.P.
For the Informant	:	Mr. Devendra Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 05-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Sheohar P.S. Case No.65 of 2019 registered under Sections 307 and 452 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on 17.03.2019 at about 10.00 P.M. the informant, after taking the dinner, was sleeping at his house and gate of the outside of his house was closed. In the mid-night of 17/18.03.2019 at about 12.30 O' clock, the informant heard the sound of knocking the gate of his house,



whereupon the informant asked about the identity of the persons on which reply was made that they are police men and asked the informant to open the gate. Thereafter, when the informant opened the gate, four persons, named in the F.I.R. including the petitioners, entered his house, whereupon Harendra Singh (petitioner no.1) opened fire from his gun at the chest of the informant. While the informant tried to save by hiding himself but the firing passed over touching his hand and neck. On hearing the sound of firing, while Shashi Bhushan Kumar and Kranti Bhushan Kumar, the sons of the informant, came out of the house but, in the meantime, Bhola Sahni (petitioner no.2) fired at the informant through Nalkatua but the firing was missed.

Learned counsel for the petitioners submits that the petitioner no.1 against whom there is allegation that he made firing from his gun at the informant, which passed over touching his hand and neck, is the own brother of the informant and due to land dispute, he has falsely been implicated in this case. So far as the petitioner no.2 is concerned, he is co-villager of the informant and due to dirty village politics, he has falsely been implicated in this case. Moreover, while the allegation against the petitioner no.2 is to shot fire from Nalkatua at the informant,



but the firing was missed.

On the other hand, learned counsel for the informant submits that out of the four injuries, as found on the person of the informant, three injuries are simple in nature, whereas one injury, which is in the right hand of the informant, is grievous in nature, caused by firearm.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Bhola Sahni alias Bhola Kumar, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sheohar, in connection with Sheohar P.S. Case No.65 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner no.1, namely, Harendra Singh, is concerned, considering the nature of allegation against the petitioner no.1, namely, Harendra Singh, I am not inclined to grant anticipatory bail to the petitioner no.1, namely, Harendra Singh. Accordingly, the prayer of the petitioner no.1, namely, Harendra Singh, for grant of anticipatory bail stands rejected. However, the petitioner no.1, namely, Harendra Singh, is



directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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