

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37785 of 2019

Arising Out of PS. Case No.-753 Year-2018 Thana- FATUA District- Patna

SANJAY SINGH Son of Late Jugeshwar Singh @ Jageshwar Singh Resident
of Village-Mirzapur Nohta, P.S.-Fatuha, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-09-2019

This application, for grant of anticipatory bail, arises out of Fatuha P.S. Case No. 753/18, disclosing offences under Sections 341, 452, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is that prior to 15 days of occurrence sister of the petitioner, namely, Puja Kumari fled away with the brother of the informant, namely, Birendra Kumar, for which, a panchayati was held, in which the informant was asked to call his brother, for which, the informant asked for some time. Thereafter, on 11.12.2018 at about 9.30 P.M., petitioner along with two unknown persons came and started firing and entered inside the house room where the father of informant was sleeping and they enquired about his son Birendra on which, he replied that he has no knowledge about him, thereafter, the



petitioner fired from the country made pistol, which hit the abdomen of father of the informant causing injury to him and the accused persons fled away. Thereafter, informant took her father to fatuha hospital for treatment, from where, he was referred to PMCH and then he was taken to Rajeshwari Hospital, Patna.

Submission of learned counsel for the petitioner is that he has falsely been implicated in this case and the occurrence has not taken place in the manner as alleged in the F.I.R and the real fact is that when the petitioner went to enquire about his daughter, informant and his family members became angry, in which, some scuffle took place, in which, firing was made and one of the firing accidentally hit the father of informant and there was no intention of the petitioner to kill anyone and, therefore, there is no application of Section 307 of the Indian Penal Code and Section 452 of the Indian Penal Code is also super addition.

Learned counsel for the State opposed the prayer for bail on the ground that there is direct allegation against the petitioner of having fired on the father of informant.

Having heard both sides, considering the facts and circumstances, I am not inclined to grant the privilege of



anticipatory bail to the petitioner rather petitioner may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case as well as on above submission, if possible on same day, without being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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