

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4679 of 2020

Arising Out of PS. Case No.-32 Year-2007 Thana- ALIPUR District- Gaya

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1. Satendra Singh @ Satendra Kumar @ Satyendra Singh S/o Late Bachchu Singh Resident of Village- Makhdumpur, P.S.- Alipur, Distt- Gaya.
 2. Dharmendra Singh @ Dharmendra Kumar Singh S/o Nawal Singh @ Nawal Kishore Singh Resident of Village- Makhdumpur, P.S. Alipur, Distt- Gaya.
 3. Nawal Singh @ Nawal Kishore Singh S/o Sri Uma Singh Resident of Village- Makhdumpur, P.S. Alipur, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2020 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 338 and 307 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Pankaj Singh @ Pappu submitted to the Station House Officer, Alipur Police Station, is to the effect that on 18.11.2007, the informant and one Satrudhan Singh went to ease out when they saw several villagers poisoning the fish, which was protested by the



informant, whereupon all the FIR named accused persons including the petitioners and other unknown persons came variously armed and petitioner no.1 Satyendra Singh resorted to fire by a rifle, whereas co-accused Nikku, resorted to fire with a revolver and co-accused Girija Dilar resorted to fire with a country made pistol and other accused persons assaulted the informant's side with lathi.

It is submitted by learned counsel for the petitioners that accusation has been levelled against 11 FIR named and other unknown persons. The impugned order suggests that no firearm injury has been caused to anyone, though injury of Mithilesh Prasad has been found grievous, but the same has been found caused by hard and blunt substance.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that FIR was lodged on 18.11.2007 and the present anticipatory bail has been filed in the year 2020, this Court is not inclined to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

However, considering the fact that accusation of resorting



to fire is not being corroborated by the medical opinion and accusation of assaulting the informant's side with lathi is omnibus and general, learned Court below may consider the prayer for regular bail of the petitioners if they surrender within a period of six weeks in connection with Alipur P.S. Case No. 32 of 2007, pending in the Court of learned Additional Chief Judicial Magistrate-II, Gaya.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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