

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21397 of 2020

Arising Out of P.S. Case No.-303 Year-2019 Thana-Bikramganj District-Rohtas

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Shyam Bihari @ Shyam Bihari Singh, son of Late Shiv Bachan Singh,
resident of Village Hudahrabal Dihra, P.S. Bikramganj, District Rohtas at
Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raghunandan Kr. Singh
For the Opposite Party : Mr. Damodar Pd. Tiwary

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bikramganj P.S. Case No. 303 of 2019, disclosing the offence punishable under Section 307 and other allied Sections of the Indian Penal Code and Section 25(1-b)a/27 of the Arms Act.

There are five persons named in the FIR. The occurrence is said to have taken place when the informant was making arrangements for his daughter's marriage. Allegedly, all the persons named in the FIR, armed with country-made pistol, were raising objection over use of the land belonging to them for organizing the marriage function. It is alleged that all of



them started indiscriminate firing. It is also alleged that from the petitioner's possession, the persons present at the place of occurrence, snatched the country-made pistol which he was possessing. The said country-made pistol was handed over to the police.

Learned counsel appearing on behalf of the petitioner has submitted that the allegation of opening fire is general and omnibus against all the persons and since private persons are said to have produced the fire-arm allegedly snatched from the petitioner's possession, before the police, the offence, which is made out under the provisions of Arms Act, is bailable. He has also submitted that in respect of the occurrence of the same date and time, a counter-case has also been filed.

I find substance in submission made on behalf of the petitioner on perusal of the FIR. This application is accordingly allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned ACJM, Bikramganj, Rohtas in Bikramganj P.S. Case No. 303 of 2019, subject to the condition



as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.



(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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