

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76475 of 2019

Arising Out of PS. Case No.-333 Year-2019 Thana- CHIRAIYA District- East Champaran

GORAKH SINGH @ ABHAY KUMAR, S/o Baidhnath Singh, R/o vill-
Ruphari, P.S.-Chiraiya, Dist.-East Champaran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh Mr. Rakesh Kumar No.1 Mr. Madhav Jha
For the Opposite Party/s :		Mr. Mukesh Kumar
For the State		Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under sections 147, 148, 149, 341, 342, 450, 323, 325, 307, 379, 427, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the F.I.R., it is stated by the informant that the petitioner with one Ajay Singh and others stopped the informant, who was traveling on a motorcycle and assaulted him. It is further alleged that a sum of Rs. 20,000/- and golden chain was also taken away from his possession and



co-accused Ajay Singh also took away his mobile phone along with sim card and created terror by firing in the air.

It is submitted by learned counsel for the petitioner that from perusal of the F.I.R., it would transpire that the main allegation is against Ajay Singh. No offence under section 307 of the Indian Penal Code is made out for the reason that there was no intention to kill in spite of the accused persons alleged to have been armed with pistol and no firearm injury was sustained by the informant. There is case and counter case between the parties and further from the injury report of the informant, it transpires that besides simple injury, only one grievous injury sustained by him on his arm was found. It is finally submitted that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that there is direct and specific allegation against the petitioner of overt act, informant sustained multiple injury and in any case it is not a fit case for grant of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the above stated facts and circumstances of the case including the fact that there is case and counter case between the parties who are agnates, nature of allegations and the petitioner having no criminal antecedent, the



Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Chiraiya (Sikarganj) P.S. Case No.333 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sikrahna at Dhaka, East Champaran, subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J.)

amit/-

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

