

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35756 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- JOGAPATTI District- West Champaran

Vijay Thakur, aged about 40 years, Male, S/o Hari Shankar Thakur, Resident of Village Piparpanti, P.S. Yogapatti, District West Champaran,

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-04-2021 Heard both sides.

The petitioner apprehends his arrest in Yogapatti P.S. Case No.40 of 2020, registered under Sections 47, 148, 149, 341, 323, 324, 307, 337, 338, 504 and 506 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant, Faiyaz Khan named the petitioner and other accused persons and alleged that they all having armed with different weapons came in front of the Darwaza of Nurul Hoda. Bablu Thakur fired from his rifle but the shot did not hit Ali Hussain. Ajay Thakur fired from his double barrel gun, which hit at the left leg of the informant. On the order of Hari Shankar Thakur, Sunil Thakur, Puttu Thakur, Vijay Thakur, Pramod Thakur, Hari Shankar Thakur and Vivek Thakur started firing. One of the shots hit one Zakir Ali in his left hand. The accused persons



also assaulted Gulfam Khan with the butt of gun.

Learned counsel for the petitioner submits that the occurrence took place due to grazing of the field by the she-goat of the informant. From the side of the petitioner, she-goat was sent to cattle house and that infuriated the informant of the present case and his family members. There is counter version being Yogapatti P.S. Case No.39 of 2020. The informant and other injured are said to have received injury. Faiyaz Khan is alleged to have received firearm injury on his left thigh. The injury is grievous in nature. Gulfam Khan also got one inflammatory swelling but the injury is simple in nature. The petitioner is not the person who is alleged to have made firing and there is omnibus and general allegation that the petitioner also fired but the same did not hit anybody. Saheb Hussain, Bhutkun Khan, Kapil Khan, Azad Khan and Saifulla Khan, the accused in the case lodged from the side of the petitioner, have already been granted anticipatory bail by the learned Sessions Judge vide order dated 23.01.2021, passed in ABP No.2478 of 2020. The case of the petitioner stands on better footing.

The learned Additional P.P. however, opposed the prayer for anticipatory bail.

Having considered the submissions and on perusal of the records, it appears that the petitioner is of course named in the



FIR but the allegation of firing is made against Bablu Thakur and Ajay Thakur. The firing made by Ajay Thakur hit the left leg of the informant, Faiyaz Khan. Thereafter five persons including the petitioner are alleged to have filed but only one person, Zakir Ali is said to have received firearm injury in his left hand. The injury found on the person of Zakir Ali shows that he got firearm injury, but the opinion of injury has not been given. The accused persons of the counter case have already been granted anticipatory bail.

Taking into consideration the facts aforesaid, I find that the petitioner also deserves anticipatory bail.

Accordingly, petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran in connection with Yogapatti P.S. Case No.40 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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