

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18889 of 2019**

Arising Out of PS. Case No.-486 Year-2018 Thana- BIDUPUR District- Vaishali

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1. Alok Kumar, Son of Parmeshwar Rai @ Parmeshwar Singh, Resident of Village- Bhairapur, P.S.- Bidupur, District- Vaishali at Hajipur (Bihar).
  2. Rahul Kumar, Son of Parmeshwar Rai @ Parmeshwar Singh, Resident of Village- Bhairapur, P.S.- Bidupur, District- Vaishali at Hajipur (Bihar).
  3. Amit Kumar, Son of Vasawan Rai, Resident of Village- Bhairapur, P.S.- Bidupur, District- Vaishali at Hajipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar  
For the Opposite Party/s : Mr.Umanath Mishra

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      19-07-2019                      Heard learned counsel for the petitioners and  
learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with  
Bidupur P.S. Case No.486 of 2018 for the offence punishable  
under Sections 341, 307, 387, 120(B) of the Indian Penal Code.

The allegation against the petitioners as mentioned in  
the FIR is that the informant, Kundan Kumar, was sitting on his  
door, Ramesh Kumar came there and made firing in the area by  
pistol and fled away. Thereafter, on arrival of the police, the  
informant accompanied the police party to identify the house of  
the accused and when he reached near Jagdamba Asthan, the



informant heard sound of firing from the side of Dalan and when he rushed towards Dalan, he saw the petitioners along with accused persons having armed with various weapons were fleeing away and when informant reached near Dalan, he saw driver was lying in the pool of blood and was taken to hospital and admitted there.

Learned counsel for the petitioners submits that the petitioners are innocent and there is no overt act alleged in the First Information Report against them. Learned counsel further submits that altogether ten persons have been made accused including the petitioners. The driver who has allegedly received fire arm injury has made statement in which he has taken the name of Amrendra Kumar and Ramesh Kumar, as per his statement in the case diary.

Learned counsel for the petitioners further submits that the driver has disclosed the name of two persons, Ramesh Kumar and Amrendra Kumar only. Learned counsel for the petitioners also submits that the informant is a person of criminal antecedent and so many cases are pending against him also and he was found indulged in smuggling of Ganja.

After having heard learned counsel for the petitioners



as well as learned counsel appearing on behalf of the State and taking into consideration the fact that no over act has been alleged against the petitioners in the First Information Report and further that the injured persons, i.e., driver has not disclosed the name of these petitioners, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIVth, Vaishali at Hajipur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

**(Anil Kumar Sinha, J)**

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