

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17421 of 2019**

Arising Out of PS. Case No.-261 Year-2018 Thana- KARJA District- Muzaffarpur

1. DHIRAJ KUMAR @ LALA Son of Dilip Kumar Thakur, Resident of Village Rasulpur, P.S. Karja, District Muzaffarpur.
2. Rohit Kumar, Son of Dilip Kumar Thakur, Resident of Village Rasulpur, P.S. Karja, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ratneshwar Prasad  
For the Opposite Party/s : Mr.Jai Narain Thakur

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      26-03-2019                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Karja P.S. Case No. 261 of 2018 registered for offence punishable under sections 341, 323, 379, 307, 506/34 of the Indian Penal Code and section 27 of the Arms Act.

Allegation has been made that the dispute arose on account of previous enmity as he is the witness to the seizure list of foreign liquor recovered from the house of Dilip Thakur and on that account Rohit Kumar fired from the gun and empty cartridge was handed over by the informant to the Police. The



petitioner Rohit Kumar has criminal history.

Looking to the facts and circumstances of the case, the prayer for bail of petitioner no. 2-Rohit Kumar is rejected.

So far petitioner no. 1-Dhiraj Kumar is concerned, no allegation of firing has been made against him and accordingly his prayer for bail is allowed and petitioner no. 1-Dhiraj Kumar, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of 2<sup>nd</sup> Additional Chief Judicial Magistrate (West), Muzaffarpur in connection with Karja P.S. Case No. 261 of 2018, subject to the conditions as laid down under section 438 Cr.PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. If the petitioner is found involved in similar type of allegation in future, the prosecution will have liberty to file an application for cancellation of his bail bond. Whenever the Police will call the



petitioner for the purpose of interrogation/investigation, he would present himself, In case of failure, the prosecution will have liberty to make a prayer for cancellation of his bail before the court below.

**(Shivaji Pandey, J)**

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