

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55643 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- KARPI District- Jehanabad

-
1. NITISH KUMAR @ ANSHU Son of Indal Kumar Resident of - Aiyara, P.S.- Karpi, Distt - Arwal
 2. Ankit Kumar Son of Sudarshan Singh Resident of - Aiyara, P.S.- Karpi, Distt - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anita Kumari
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-09-2019 This application, for grant of anticipatory bail, arises out of Karpi P.S. Case No. 85 of 2019, disclosing offences under Sections 323, 307, 506, 341 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against petitioner no. 1 is of firing,; however, the same did not hit anyone and allegation against petitioner no. 2 that he assaulted one Bijendra Kumar and the informant with lathi and it is also alleged that one empty cartridge has been recovered from the place of occurrence.

Submission of learned counsel for the petitioners is that only general and omnibus allegation has been levelled against the petitioner, which is evident from the F.I.R. itself as there is allegation against petitioner no. 1 that he fired but the said firing did not hit



anyone and petitioner no. 2 assaulted by means of lathi. Further submission is that petitioners have falsely been roped in the present case due to election dispute and the seizure list of one empty cartridge has no value as the same has not been handed over to the petitioner.

Heard learned A.P.P. also, who has opposed the prayer for anticipatory bail stating that one empty cartridge was also recovered from the place of occurrence.

Having heard both sides, considering the facts and circumstances of the case, so far petitioner no. 2 is concerned, in the event of his arrest or surrender before the court below within two weeks from the date of receipt of a copy of this order in the court below, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate -IV, Arwal, in connection with Karpi P.S. Case No. 85 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no. 1 is concerned, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail, which will be considered by the learned court below on the basis of materials available against petitioner no. 1, and if possible to be disposed of on same day, without being prejudiced by



this order.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

sunilkumar/-

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

