

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66654 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- KHODAWANDPUR District- Begusarai

Raushan Kumar Son of Late Sitaram Mahte Resident of Village - Chhoti Jana,
P.S.- Khodawanpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Aprajita, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP
For the Respondent	:	Mr. Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-12-2019 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Khodawandpur (Chhourahi O.P.) P.S. Case No. 132 of 2019, registered for the offence punishable under sections 323, 341, 506, 504, 427 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation made in the FIR, it is stated by the informant that the petitioner armed with iron rod etc. came on the door of the informant, hurled abuses and asked to cut down the tree. It is stated that on the informant asking him not to act in such a manner, he took out a pistol from his waist and fired



three rounds, evidence of firing can be seen on the motorcycle parked near the door of the house of the informant.

It is submitted by the learned counsel for the petitioner that the offence levelled under various sections of the Indian Penal Code are bailable. Further, from perusal of the statements of the witnesses recorded in course of the investigation, it would transpire that no firing by the petitioner and the witnesses have stated that the allegation of firing was only to make the allegation look serious. It is finally stated that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that not only petitioner is named in the FIR, but there is direct allegation against him of acting in high handed manner and firing from his pistol. It is submitted that the allegation of firing is supported by the witnesses in course of the investigation and in any case there being direct allegation against the petitioner, this is not a fit case for grant of anticipatory bail.

Having heard the learned counsel for the parties and taking into consideration the fact that the witnesses in various paragraphs of the case diary including paragraph nos. 8, 10, 19 and 20 besides other paragraphs have not supported the allegation of firing by the petitioner, the above named petitioner



is directed to surrender in the court below within a period of six weeks from today and in the event of his arrest or surrender, he shall 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 learned Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur (Chhourahi O.P.) P.S. Case No. 132 of 2019, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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