

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12058 of 2020

Arising Out of PS. Case No.-191 Year-2019 Thana- BARARI District- Katihar

Amit Kumar aged about 24 years (male), son of Chandrashekhar Jha R/o Maa Kali Traders, Kaptan Para, Khushki Bag, P.S. Sadar, Distt. Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Md. Zainul Abedin, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-08-2020 Heard learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Barari P.S. Case No. 191 of 2019 registered under sections 307, 504, 506 and 34 of the Indian Penal Code and section 25 (1-B)(a), 27, 35 and 37 of the Arms Act.

As per allegation in the FIR, it is stated by the informant, wife of the petitioner herein, that while she was coming on the car and on way had stopped near the railway ‘gumti’, two persons including the petitioner herein came on a motorcycle and fired on her but she was saved as at that very moment, she bent down to pickup milk for her daughter. It is further stated that the fire arm of the accused fell down, which



was handed over by her to the police.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are absolutely false and concocted. It is submitted that from the FIR itself, it would transpire that there are a series of litigations between the informant and the petitioner and for this reason the petitioner has been falsely implicated in the case. It is further submitted that Matrimonial Suit no. 161 of 2018 has been filed by the informant praying for divorce which the petitioner is contesting. The earlier cases against the petitioner have also been lodged by his wife, the informant herein.

Case diary had been called for in the case and the same has been received.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the pendency of the cases between the parties and no person having sustained any injury in the occurrence, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Barari P.S. Case No. 191 of 2019, 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 the learned C.J.M., Katihar subject to
the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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