

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14697 of 2020

Arising Out of PS. Case No.-462 Year-2018 Thana- BIHPUR District- Bhagalpur

1. RAKESH KUMAR @ RAKESH KUMAR SAH @ RAJESH KUMAR SAH S/o Manoj Sah Resident of Village- Madhurapur, P.S.- Bihpur (Bhawanipur), District- Bhagalpur.
2. Ranjit Kumar @ Ranjit Kumar Sah S/o Manoj Sah Resident of Village- Madhurapur, P.S.- Bihpur (Bhawanipur), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Umesh Lal Verma, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Bihpur (Bhawanipur) P.S. Case No. 462 of 2018 (GR No. 1759 of 2018) registered for the offence punishable under



Sections 147, 148, 149, 448, 341, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding dispute having arisen at the time of partition of the land in question whereupon case and counter case were filed by both the sides and as far as the present case is concerned, it is alleged by the informant that the accused persons had entered the oil mill where the informant was working and the petitioner no. 1 is alleged to have fired on the informant resulting in gunshot having hit below the stomach of the informant, whereafter the co-accused person, namely, Anmol Sah had also fired on the informant.

The learned counsel for the petitioners has submitted that the police, upon investigation, had found the present case to be not true as against the petitioners herein, as is apparent from the final form dated 29.11.2019, annexed as Annexure-2 to the present petition and only thereafter, the learned court below had differed from the same



and has taken cognizance as against the petitioners herein. It is further submitted that the petitioners are innocent, they have been falsely implicated in the present case and they have no role to play in the alleged incident.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the police, upon investigation, had found the allegations levelled against the petitioners herein to be not true and had not charge-sheeted them, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten



thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Naugachia, District-Bhagalpur in connection with Bihpur (Bhawanipur) P.S.Case No. 462 of 2018 (G.R.No. 1759 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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