

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16950 of 2020

Arising Out of PS. Case No.-345 Year-2019 Thana- MAHNAR District- Vaishali

1. PINTU KUMAR S/o Daya Shnkar Ray @ Dayanand Ray R/o Village-Narayanpur Dedhpura, P.S.- Mahnar, District- Vaishali.
2. Munna Kumar S/o Daya Shnkar Ray @ Dayanand Ray R/o Village-Narayanpur Dedhpura, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-07-2020 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 Mr. Madhura Nand Jha, the learned APP appearing for the State.

The petitioners apprehend their arrest in connection with Mahnar P.S. Case No. 345 of 2019 for the offence punishable under Sections 307/34 of the Indian Penal Code and Section 25(1-b)a, 26, 27 and 35 of the Arms Act

The case of the prosecution, in brief is that on



05.10.2019 at about 11.45 P.M. in the night, after feast when all the family members had gone to sleep inside the house and the informant had gone outside to urinate, the accused persons including the petitioners herein had gathered there, after arriving on three motorcycles and had started knocking the door of the cousin grandfather of the informant and when the door was not opened, the accused persons had gone over the side of the door, had then peeped inside the room through the window and had engaged in threatening the grandfather of the informant to open the door failing which they had warned that he would be shot down and the house shall be put on fire. It is also stated by the informant that when the cousin grandfather of the informant had opened the door, the accused persons had taken two bottles of water and four packet of snacks and while leaving the said place, one of the co-accused persons namely Abhihek Kumar had seen the informant and had then engaged in abusing him, which was protested to by the informant whereupon all the accused persons had abused the informant and had started firing indiscriminately from their firearms, however, the informant somehow managed to save himself. Upon hearing the sound of firing, the family members of the informant had come out from the house and when the brother of the informant Harendra Rai



came to save the informant, co-accused Abhishek Kumar had fired gun shots from his pistol, resulting in him sustaining injury.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and as far as the petitioner no. 1 is concerned, he is having a clean antecedent, however, petitioner no.2 is an accused in only one other case. It is further submitted that if at all anybody is having complicity in the matter, it is the co-accused person namely Abhishek Kumar, as is apparent from a bare perusal of the FIR and the petitioners are having no complicity in the matter inasmuch as there is no allegation of any sort of overt act as against the petitioners.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory 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 there is no specific allegation, as against the petitioners herein of having engaged in any sort of overt act and allegation has only been levelled against the co-accused person namely Abhishek Kumar of having fired gun shots on the brother of the



informant, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above-named shall 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 learned C.J.M., Vaishali in connection with Mahnar P.S. Case No. 345 of 2019.

It is further directed that the petitioners shall appear before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of their failure on two consecutive occasions to mark their presence, the present privilege of anticipatory bail shall stand revoked automatically and the petitioners shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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