

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37385 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- ISHIPUR District- Bhagalpur

1. Amarnath Kuswaha Son of Late Ram Govind Mahto Resident of Village - Rajgaon, P.S.- Ishipur, District - Bhagalpur
2. Satya Prakash @ Bittu Son of Ram Prasad Kushwaha Resident of Village - Mujawar Tal, P.S.- Manihar, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K.Agarwal, Sr. Adv. Mr.Pravin Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr.Deepak Kumar Sinha Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-11-2021 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

After some arguments, learned Senior Counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail on behalf of the petitioner no.2.

Prayer is allowed.

The prayer for anticipatory bail of the petitioner no.2 is dismissed as withdrawn.

However, learned trial court is directed to pass order on



merits without being prejudiced by withdrawal of this case.

Now, the present case is being heard on the prayer for bail by petitioner no.1.

The petitioner no.1 apprehends his arrest in a case in connection with Ishipur Barahat P.S. Case No.39 of 2020, corresponding to G.R. No.2205 of 2020, registered for the offence punishable under Sections 341, 326, 307/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case in short is that, while the informant along with one Bhupendra Kumar Mandal was going to his house on motorcycle, then the named accused persons riding on two motorcycles overtaken them and dashed his motorcycle. Thereafter, petitioner no.1 and one other opened firing but the bullets did not hit him. Thereafter, other accused fired on the informant and they thought the informant has died. There after, they fled away.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to personal grudge of the informant. The allegation leveled upon the petitioner is not specific rather general and omnibus in nature. The allegation is that the petitioner no.1 has fired upon the



informant but it is admitted fact that the same did not hit the body of the informant. Petitioner no.1 has no criminal antecedent, as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Ishipur Barahat P.S. Case No.39 of 2020, corresponding to G.R. No.2205 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

pallavi/-

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

