

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39604 of 2020

**Arising out of P.S. Case No. 14, year- 2020, Thana- Barahiya District
Lakhisarai**

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Vikash Kumar @ Tuddu , Male, aged about 37 years, S/O Late Manik Singh
R/O village- Jaitpur P.S. Barahiya, District Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Prasad Narain Sahi, Adv.

For the Opp. Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-06-2021

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 parties.

The petitioner apprehends his arrest in connection with Barahiya P.S. Case No. 14 of 2020 (G.R. No. 69/2020) for the offence punishable under sections 307, 323, 341/34 of the Indian Penal Code and section 27 of the Arms Act.

The allegation is regarding altercation having taken place in between the parties on account of dispute pertaining to partition of land, whereupon the co-accused person



namely Kundan Singh is stated to have fired gunshot resulting in the gunshot having hit the left leg of the informant, whereafter the other accused persons, including the petitioner herein are stated to have slapped the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, it has been alleged that he had merely assaulted the informant, however, the same has not caused any injury to the informant, hence the petitioner is not having any complicity in the alleged occurrence.

Per contra, the learned APP appearing for the State, Shri Manoj Kumar has vehemently opposed the prayer of the petitioner for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the materials available on record as also considering the fact that as far as the petitioner is concerned, there is no allegation of firing gunshot upon the informant and moreover, the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege

bail



Accordingly, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, the petitioner, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 14 of 2020 (G.R/2020), subject to the conditions as laid down under section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

