

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 39571 of 2020

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1. Bharat Ram aged about 63 years (M) son of late Ganesh Ram
 2. Sikandar Rai @ Sikandar Ram aged about 24 years (M) son of Raj Kumar Ram

Both are residents of village-Patti Pacharaur, Police Station-Taraiya, District-Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 02-06-2021 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 petitioners and the learned A.P.P. for the State, Ms. Anita Kumari Singh.

This is an application for grant of anticipatory



bail in connection with Taraiyan P.S. Case No. 238 of 2020 registered for the offence punishable under Sections 307, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

At the outset, the learned counsel for the petitioners has submitted that the petitioner no. 2 has already been arrested, hence, the present petition qua the petitioner no. 2 is not being pressed. Accordingly, the present petition qua the petitioner no. 2 stands dismissed as not pressed.

The allegation is regarding the accused persons including the petitioners having arrived at the door of the house of the informant, whereafter the co-accused person, namely, Om Prakash, had fired gunshots on the informant resulting in him receiving firearm injury on his right shoulder.

The learned counsel for the petitioner no. 1 submits that the petitioner no. 1 is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned



counsel for the petitioner no. 1 has further submitted that as far as the petitioner no. 1 is concerned, he has not been alleged to have engaged in any sort of overt act and the allegation of firing gunshot is on the co-accused person, namely, Om Prakash. It is also submitted that the petitioner no. 1 has been falsely implicated in the present case for the reason that he is a witness in a case, against the informant, in which he has been examined as inquiry witness no. 3, by the Ld. Court below.

Per contra, the learned APP for the State, Ms. Anita Kumari Singh, 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 petitioner no. 1 and taking into account the materials available on record as also considering the fact that there is no allegation of any sort of overt act qua the



petitioner no. 1 and he is having a clean antecedent, I deem it fit and proper to admit the petitioner no. 1 to the privilege of anticipatory bail.

Accordingly, the petitioner no. 1, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Chapra, District-Saran in connection with Taraiyan P.S. Case No. 238 of 2020, 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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