

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2086 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- SIKANDRA District- Jamui

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Dhiraj Kumar @ Dhiraj Kumar Singh (Male) aged about 32 years, son of
Upendra Prasad Singh, R/o village and P.O.- Darkha, P.S.- Sikandra, District-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-09-2021

Heard Mr. Arun Kumar, learned counsel for the petitioner and Mr. Jagdhar Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Sikandra PS Case No. 93 of 2020 dated 09.05.2020, instituted under Sections 147, 148, 149, 447, 341, 323, 307, 324 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The allegation against the petitioner and four others is of firing on the informant side and specifically against the petitioner that he opened fire by pistol though not hitting any person and against co-accused, Upendra Singh, that firing made by him caused injury to the informant and Suresh Kumar.



4. Learned counsel for the petitioner submitted that in the FIR, except for bald allegation that the petitioner has also fired, there is no allegation that due to his firing any person was hit. Further, it was submitted that only Upendra Kumar has been attributed of firing on Suresh Kumar, who has suffered bullet injury. Learned counsel submitted that the petitioner has been falsely implicated just because he is the son of Upendra Kumar. It was submitted that the petitioner has no other criminal antecedent. Learned counsel submitted that similarly situated co-accused Kedar Yadav and Gorelal Yadav have been granted anticipatory bail by order dated 26.08.2021 in Cr. Misc. No. 37727 of 2020.

5. Learned APP submitted that as per the allegation, the petitioner also had pistol in his hand and had opened fire. However, it was not controverted that no injury is alleged to have been caused to any person by such firing.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, there being only general and omnibus allegation that the petitioner fired from pistol without there being any injury caused and further the petitioner not having any other criminal antecedent, the Court is inclined to allow the prayer of pre-arrest



bail.

7. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jamui, in Sikandra PS Case No. 93 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner and (iii) that the petitioner shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed of in the



aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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