

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17460 of 2021

Arising Out of PS. Case No.-1098 Year-2019 Thana- PHULWARISHARIF District- Patna

ANUP KUMAR @ ANUP KRISHNA Son of Late Krishna Prasad Resident
of Tumtum Parao, P.S. - Phulari Sharif, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mrs. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Phulwari Sharif P.S. Case no. 1098 of 2019 instituted for
the offence under Sections 147, 148, 149, 337, 307 of the
Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, when the informant was
returning to his home, he saw that some people were gathered



on road and persons from the roof of the petitioner's house was pelting stones on crowd. There are also using bombs and cartridges against the crowd. Co-accused Rahul Mental shot fire from the roof of the petitioner, which hit the informant in his right leg.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. There is no allegation of assault against the petitioner. Several FIRs have been lodged for one and the same occurrence and in initial FIR, petitioner is not named. Only allegation against the petitioner is that he has concern with the place of occurrence as the same was the roof of his house from where the accused persons were throwing stones, bombs and firing shot upon the member of the crowd.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Phulwari Sharif P.S. Case no. 1098 of 2019,



he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM IX, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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