

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8034 of 2022**

Arising Out of PS. Case No.-522 Year-2021 Thana- SAHARSA SADAR District- Saharsa

1. DILIP KUMAR Son of Sri Pramanand Bhagat Resident of Village - Hatigachhi Patel Nagar - 31, P.s.- and Distt.- Saharsa.
2. DEEPAK KUMAR Son of Sri Parmananad Bhagat Resident of Village - Hatigachhi Patel Nagar - 31, P.s.- and Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      01-08-2022              Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 385, 307, 506 and 447 of the IPC and section 27 of the Arms Act.

The allegation against the petitioners is that they along with other FIR named accused persons were indulged in



constructing thatched house in a disputed plot and on objection raised by the informant, they came running with double barrel gun and started firing. It is alleged that two accused persons fired upon the informant, which struck in the knee, thigh, lower waist, buttock and two fingers of right hand of the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that there is an admitted land dispute between the parties. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation is against the co-accused Nagmani Kumar Verma and Mithilesh Kumar to fire upon the informant. Police has recovered empty cartridges from the place of occurrence. It is further submitted that at best, the petitioners can be said to be the member of the mob. Petitioners have one criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let



them be released on bail, in the event of their 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) each 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 Saharsa P.S. Case No.522 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

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