

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10166 of 2022**

Arising Out of PS. Case No.-121 Year-2021 Thana- PALIGANJ District- Patna

1. RAHUL KUMAR @ GUDDU KUMAR S/o Kameshwar Singh R/o Jalpura, P.S. Paliganj, District - Patna.
2. ARVIND SINGH S/o Rajnandan Singh R/o Jalpura, P.S. Paliganj, District - Patna.
3. MUTUN KUMAR @ MUNTUN KUMAR S/o Bhuneshwar Singh R/o Jalpura, P.S. Paliganj, District - Patna.
4. RINKU KUMAR @ GRIJESH KUMAR S/o Lalji singh R/o Jalpura, P.S. Paliganj, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      18-11-2022                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners have antecedent of one case and the informant alleges that when he restrained the petitioners and other accused persons from mining at Canal Bridge at Balaji Ghat, the



petitioners and other accused persons dashed him on the ground and when his brother Navnit came and said that his brother had come to negotiate, the petitioners and other accused persons fired causing injury, further the injured was brought to Paras Hospital, Patna.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and from perusal of the allegations as alleged in the F.I.R. it would manifest that no specific allegation is alleged against any of the accused persons. Learned counsel further submits that informant claims to be an eyewitness to the occurrence as he claims in the F.I.R., further it is submitted that the accused persons are also known to him but it absolutely does not stand to reason that as to why the informant has not alleged that who fired causing injury to him, this amply demonstrates that either the occurrence has taken place in a different manner and the present F.I.R. came to be instituted subsequently by way of afterthought implicating the petitioners or the occurrence has not taken place in the manner as it has been alleged, further even the impugned order does not record any firearm injury.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that from perusal



of paragraph '108' of the case diary it would manifest that the informant had received firearm injury but then the injury was simple.

Learned counsel for the petitioners rebuts the submission of the learned A.P.P. for the State and submits that from perusal of paragraph '108' of the case diary it would manifest that the same was recorded on 10.11.2022 and the occurrence had taken place on 03.04.2021 as such it appears that the injury report is manipulated or else the same would have been supplied to the police by Paras hospital after sometimes of the occurrence but since the injury report has been supplied after more than a year and a half that creates doubt. It is further submitted that even presuming what has been alleged is true, without admitting for the purposes of anticipatory bail, then the injury recorded is simple and the informant has not specifically named in the FIR that as to who fired causing firearm injury when petitioners admittedly are known to the informant, it is also submitted that even the petitioners were not present at the place of occurrence when the alleged occurrence is said to have taken place but police has not investigated on the said issue with respect to the tower location of the mobiles of the petitioners.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Paliganj P.S. Case No. 121 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In the event, if, after investigation, charge-sheet is filed alleging that a particular petitioner had fired, then the present anticipatory bail order with respect to the said petitioner shall automatically come to an end.

**(Satyavrat Verma, J)**

Rishi/-

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