

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11272 of 2022

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

PAWAN PRASAD VERMA @ PAWAN KUMAR S/o Late Tapeswari Prasad Verma @ Tapeswari @ Tapeswari Bhagat Resident of Village- Tapeswari Nagar (Hatiya Gandhi Patel Nagar), Ward No.-31, P.S.- Sadar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2022 Heard the parties.

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 petitioner apprehends their arrest in a case registered for the offence punishable under section 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 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 the 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. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties. 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 the above named petitioner 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 Saharsa Sadar 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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