

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26721 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- TEKARI District- Gaya

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1. AJAY SINGH CHANDRAVANSHI Son of Late Siyasharan Singh Resident of village - Law, P.S.- Tekari, District - Gaya.
 2. Shashikesh Kumar @ Tiger Son of Ajay Singh Chandravanshi Resident of village - Law, P.S.- Tekari, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Paras Nath, Advocate
For the Opposite Party/s	:	Mr.Vinod Shanker Modi, APP
For the Informant	:	Mr.Sanjeev Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1 as he has been arrested during pendency of the present anticipatory bail application.

Permission is accorded.

Learned counsel for the petitioner is also permitted to rectify the pleadings made at paragraph '3' of the anticipatory bail application.

The petitioner no.2 apprehends his arrest in a case registered for the offences punishable under Sections 147, 148,



149, 341, 323, 342, 307 and 379 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a young boy of 22 years of age and has antecedent of one case, it is next submitted that a series of cases were filed i.e., Tekari P.S. Case No. 54 of 2021 in which petitioner is an accused, Tekari P.S. Case No. 55 of 2021 which is the present case and Tekari P.S. Case No. 56 of 2021 which was instituted by the father of the present petitioner.

Learned counsel for the petitioner next submits that the informant alleges that while he was returning to his house with his maternal nephew, he was intercepted by 24 accused persons, including the named accused persons and the petitioner, they were carrying ten iron rods, five *lathi* and five hunter along with two rifles and the accused persons started indiscriminate firing and even assaulted him by *lathi*, rod and hunter and thinking that the informant is dead, they fled and while fleeing they even snatched Rs. 15,000/- from his pocket.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the same does not inspire confidence as it is just not possible for a person to so precisely allege that how many



weapons were being carried by so many accused persons, it is next submitted that even the allegation of assault is general and omnibus in nature and further the allegation of snatching Rs. 15,000/- is ornamental. Learned counsel further submits that from perusal of the allegation as alleged it would manifest that the informant does not disclose the reason behind the occurrence except that the father of the petitioner had threatened him and his family earlier but the reason for threatening is not disclosed, thus it is submitted that this gives an impression that on account of previous dispute, the informant took this as an opportunity to implicate the petitioner along with his family, further even the injury report is not on record.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submissions of the learned counsel for the petitioner that the allegation with respect to assault is general and omnibus in nature and no reason for the occurrence has been assigned in the F.I.R.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, in the event of his 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) 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 Tekari P.S. Case No. 55 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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