

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.43846 of 2021**

Arising Out of PS. Case No.-221 Year-2021 Thana- ARA NAGAR District- Bhojpur

Abhishek Kumar @ Sanjert @ Ganjeri S/o Manoj Kumar Singh R/o Village-  
Baradh, P.S.- Charpokhari, District- Bhojpur, At/p R/o Muhalla- Dharahara,  
P.S.- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL ORDER**

**2      09-06-2022**                      Heard Mr. Manoj Kumar, learned counsel for the  
petitioner and Mr. Pawan Kumar Chaurasia, learned Additional  
Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to  
remove defect(s), as pointed out by the office, if any, within a  
period of four weeks from today.

The petitioner apprehends his arrest in connection  
with Ara Town P. S. Case No. 221 of 2021 registered for the  
offences punishable under Sections 326, 307, 506 read with  
Section 34 of the Indian Penal Code and Section 27 of the Arms  
Act.

As per the prosecution case, it is alleged that



12.03.2021 the son of the informant had gone for tuition, where some altercation has taken place with co-accused Bipul Kumar, thereupon, the Bipul Kumar along with his friends including this petitioner came to his house and threatened with dire consequences. It is further alleged that on 14.03.2021 in the evening, when the informant was in his shop, one Kallu Paswan and two unknown persons came to his shop and one of them had fired causing injury to the informant. It is subsequently alleged that co-accused Prince Kumar and Bipul Kumar present at the place of occurrence on some distance and making some indications.

At the outset, learned counsel for the petitioner submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioner submits that there is no allegation against this petitioner. It is further submitted that the petitioner was not even present at the place of occurrence, which has taken place on 14.03.2021, the only allegation against this petitioner is that two days prior to the alleged occurrence, he had come along with Bipul Kumar and threatened the son of the informant. It is next submitted that



though the petitioner was known to the informant but his name has not even been disclosed and had the petitioner been present at the place of occurrence, the informant would have certainly disclosed the name of the petitioner. It is lastly submitted that with regard to the same occurrence two F.I.R. have been instituted, one being Ara Town P. S. Case No. 221 of 2021 and another Ara Town P. S. Case No. 219 of 2021 under the Arms Act and prior to that the petitioner had fair antecedent.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that the petitioner has actively participated in the present crime.

Having considered the submissions made on behalf of the parties and taking into account that there is general and omnibus nature of allegation against this petitioner, apart from the fact of non-presence of the petitioner on the alleged date of occurrence and except the allegation that he had accompanied with co-accused persons and went to the house of the informant two days prior to the occurrence, there is no other allegation, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 20,000/ (Rupees twenty thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur Ara/its successor court in connection with Ara Town P. S. Case No. 221 of 2021, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioner.
- (ii) The petitioner will co-operate in the investigation as well as in conclusion of the trial.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

**(Harish Kumar, J)**

***Shakir/-***

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