

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36978 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- MANER District- Patna

1. BISHWAJIT KUMAR @ CHUNNU SON OF YUGESHWAR SINGH @ BHULAN MUKHIYA Resident of Village-Gyaspur, P.S.-Maner, District-Patna.
2. Ajit Kumar SON OF YUGESHWAR SINGH @ BHULAN MUKHIYA Resident of Village-Gyaspur, P.S.-Maner, District-Patna.
3. Umesh Rai S/o Late Tapeswar Rai Resident of Village-Gyaspur, P.S.-Maner, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37131 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- MANER District- Patna

Yugeshwar Singh @ Bhulan Mukhiya Son Of Late Bhola Rai Resident Of Village- Gyaspur, P.S.- Maner District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36978 of 2022)

For the Petitioner/s : Mr. Giridhar Gopal Tiwary, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 37131 of 2022)

For the Petitioner/s : Mr. Giridhar Gopal Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-11-2022

CRIMINAL MISCELLANEOUS No.36978 of 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 147, 148, 149, 341, 323, 109, 504, 307, 379 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioner no.1 has antecedent of three cases, petitioner no.2 has antecedent of two cases, petitioner no.3 has antecedent of one case and the informant (Lakshman Prasad) alleges that on 29.04.2021 at 6 pm while he was sitting at his house, five accused persons, including the petitioners, along with 10-15 unidentified accused came variously armed and started hurling abuses at him, it is further alleged that Yugeshwar Singh said that they had come to kill Manoj (*Mukhiya*) to which the informant protested, thereafter all the accused persons assaulted him with slaps and when Manoj (informant's son) intervened, Kamlesh Kumar held him and tried to strangle him, Vishwajeet fired at him which instead of hitting informant's son hit Kamlesh Kumar who fell down, it is next alleged that when informant's younger son Aryan Rai intervened, Ajit and Umesh assaulted him, Ajit took his gold chain and Yugeshwar also assaulted Manoj on his forehead by rod causing injury.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is



further submitted that though it is alleged that Vishwajeet fired at Manoj but hit Kamlesh but then Kamlesh has also instituted an FIR being Maner P.S. Case No. 305 of 2021 in which he has alleged that he was shot by Dhananjay, learned counsel thus submits that though in the present FIR it is alleged that it was Vishwajeet who fired which accidentally hit Kamlesh but then Kamlesh had instituted an FIR wherein he has stated that he was shot by Dhananjay as such the credibility of the allegations as alleged in the present FIR is doubtful. It is next submitted that as far as allegation against Ajit and Umesh is concerned, the same appears to be ornamental in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail 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 Maner P.S. Case No. 297 of 2021 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 37131 of 2022

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner after some
arguments seeks permission to withdraw the present anticipatory
bail application.

Permission is accorded.

Accordingly, the present anticipatory bail application
is dismissed as withdrawn.

However, in the event, if the petitioner files an
application before the learned trial court seeking regular bail
then the learned trial court shall dispose of the case on its own
merit without being prejudiced by the fact that anticipatory bail
application of the petitioner was permitted to be withdrawn by
this Court and the learned trial court will also keep in mind the
fact the petitioner is a senior citizen aged about 70 years.

(Satyavrat Verma, J)

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