

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38673 of 2022

Arising Out of PS. Case No.-521 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

-
1. BITTU KUMAR Son of Ranjit Yadav Resident of Shahabajja, P.S.- K. Nagar (Sri Nagar), District - Purnea.
 2. Subodh Kumar Yadav @ Subodh Yadav Son of Shrawan Kumar Yadav Resident of Shahabajja, P.S.- K. Nagar (Sri Nagar), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-11-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 147, 148, 149, 341, 323, 307, 120B, 504, 506 of the IPC and section 27 of the Arms Act.

Allegedly, the petitioners alongwith other accused persons assaulted the informant and his nephew by means if deadly weapons with an intention to kill them.

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 levelled against the petitioners is not specific rather general and omnibus in nature. He further submits that Nitish Kumar, is an accused of K. Nagar (Sri Nagar) P.S. Case No.522 of 2021 posted an objectionable picture of the sister of the petitioner no.2. then the matter was referred to village Panchayat, which passed an order of assisting financially to the petitioners or in lieu of that provide 21 decimals of land as Sood Verna for assisting in the marriage of the sister of petitioner no.2, on the basis of that the land was given in possession of petitioner no.2. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.1 to cause fire arm injury to the informant's nephew Chamak Lal Yadav.

Having regards to the facts and circumstances of the case, since there is direct allegation of firing against petitioner no.1, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, there is allegation of firing against the petitioner no.2 but it did not hit anyone. Considering this fact,



let the above named petitioner no.2 be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in K. Nagar (Sri Nagar) P.S. Case No.521 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

