

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42689 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- DARBHANGA District- Darbhanga

GUDDU KUMAR Son of Lal Babu Sahni @ Shri Lal Babu Sahni Resident of
village- Mahdauli ward no. 23 Subhankarpur (Musapur), P.S- Town District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 394, 411 and 302 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that on 08.03.2021 at 9:30 PM, informant's younger brother Deepu was taking food to his shop, when two motorcycle borne criminals were snatching something from a shopkeeper, on hearing alarm his brother intervened and caught hold of one of the accused when the other accused fired causing injury in his



eye and he was severely injured, thereafter people from neighbourhood gathered and caught one of the accused namely Md. Mahtab while other accused fled away, it is next alleged that the apprehended accused was assaulted by the mob and thereafter the victims were taken to the hospital where informant's brother was declared dead.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that his name transpired in the confessional statement of Rajjan Sahni, it is also submitted that Md. Mahtab who was apprehended at the place of occurrence on account of assault also died during the course of treatment. It is further submitted that even Rajjan Sahani was apprehended based on suspicion. The learned counsel for the petitioner next submits that nothing has come during the course of investigation which can even remotely connect the petitioner with the offence that is he was also present at the place of occurrence when the alleged occurrence is said to have taken place, the learned counsel for the petitioner next submits that purpose of arrest is not to punish but to ensure that the investigation is not hampered. It is thus submitted that petitioner will not evade the law and will co-operate in the investigation and will present himself as and



when required by the Investigating Officer of the case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Darbhanga Town P.S. Case No. 72 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailors shall be the father of the petitioner Lal Babu Sahni @ Shri Lal Babu Sahni.

Further, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not appearing when called for, the learned trial court, after giving him an opportunity of hearing, shall pass order in accordance with law and shall also be entitled to cancel his bail bonds, further if the



Investigating Officer after investigation submits a charge-sheet against the petitioner, then in that event the present anticipatory bail order shall loose its effect.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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