

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42463 of 2022

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

Kunjlal Sah @ Keshav Lal Sah, S/O Late Harishchandra Sah Resident Of
Village- Panapur Nauka Tola, Ward No.- 12, P.S.- Harsidhi, District- East
Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma- Advocate

Mr. Abhishek Kumar- Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh- A.P.P.

Mr. Deepak Kumar- Advocate

Mr. Dhananjay Kumar Gupta- Advocate

Mr. Rajiv Ranjan- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-10-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 302,
120(B) and 34 of the Indian Penal Code and Section 27 of the
Arms Act.

The learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the informant alleges
that on 24.09.2021, his son Bipin Kumar Agrawal was returning
from Block Office and Primary Health Centre when two riders
came on a motorcycle and shot him on account of which, his
son sustained firearm injury and fell down and was taken to



Primary Health Centre, Harsidhi from where he was referred to Sadar Hospital, Motihari. It is also alleged that informant's son was a R.T.I. worker and previously had filed cases for removal of encroachment from government land at Harsidhi on account of which encroachers got his son killed in conspiracy with other unknown accused persons.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that F.I.R. is against unknown. It is also submitted that during the course of investigation, re-statement of the informant was recorded at Para-8 of the case diary wherein he has taken name of 12 persons including the petitioner, but with respect to assault and firing the informant does not allege any overt act against the petitioner. It is also submitted that informant is not an eye witness to the occurrence and the entire case hinges around suspicion. It is next submitted that informant even had tried to falsely implicate his agnates in order to settle dispute, but they were granted anticipatory bail by order dated 27.09.2022 in Cr. Misc. No.19111 of 2022, which was heard analogous with other cases. The learned counsel submits that the informant in order to settle scores is trying to falsely implicate innocent person.



The learned Additional Public Prosecutor opposes the anticipatory bail application.

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 Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Harsidhi P. S. Case No.386 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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