IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57181 of 2021

Arising Out of PS. Case No.-260 Year-2019 Thana- RIVILGANJ District- Saran

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1. DINESH RAI SON OF LATE RAMJI RAI
2. SUPAN RAI SON OF LATE BAIJNATH RAI
Both R/O VILLAGE - SAMSUDDINPUR, P.S. - RIVILGANJ, DISTRICT - SARAN AT CHAPRA

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashutosh Kumar Singh, Advocate
Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 07-07-2022 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 341, 323, 324, 307 and 34 of the Indian Penal Code read with Section 25(1-b)a, 26, 35 and 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 is a person with clean antecedent.

The informant alleges that when he was performing his daily routine work in usual course then suddenly five accused came at his house and started abusing him and when the same was protested by the informant then one of the accused

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attacked him with knife on account of which the informant started fleeing. In the meantime, the petitioners came on a motorcycle in front of the house of the informant and ordered the five accused who had entered his house to kill the informant on which one accused opened fire but missed the informant. It is alleged that on hearing the sound of firing the brothers of the informant came then the petitioners fled away from the place of occurrence after firing in the air. It is alleged that while fleeing three accused out of five were caught by the villagers as detailed in the FIR who had come earlier to the house of the informant and from the apprehended accused country made pistol along with cartridge and knife was recovered as detailed in the FIR.

Learned counsel for the petitioners further submits that petitioners have been falsely implicated in the present case. It is next submitted that even presuming what has been alleged in the FIR is true without admitting for the purpose of anticipatory bail then the allegation against the petitioners is of order giver.

It is submitted that it is very easy to implicate someone by alleging that he was order giver. It is also submitted that though the informant alleges that firing was made but not a single empty cartridge was recovered from the place of

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occurrence nor the informant got injured.

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 Rivilganj P.S. Case No. 260 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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