

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67016 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- DIGHA District- Patna

1. MANISH KUMAR S/o- Sri Bhagirath Prasad Resident of Village- Nakta Diara, P.S.- Digha, District- Patna, at present resident of Village- Mica Colony, P.S.- Digha, District- Patna.
2. Nitish Kumar S/o- Ramyad Rai Resident of Village- Nakta Diara, P.S.- Digha, District- Patna, at present resident of Village- Mica Colony, P.S.- Digha, District- Patna.
3. Manjesh Kumar S/o- Ramyad Rai Resident of Village- Nakta Diara, P.S.- Digha, District- Patna, at present resident of Village- Mica Colony, P.S.- Digha, District- Patna.
4. Gopi Kumar @ Manish Kumar @ Mukesh Kumar S/o- Ramyad Rai Resident of Village- Nakta Diara, P.S.- Digha, District- Patna, at present resident of Village- Mica Colony, P.S.- Digha, District- Patna.
5. Vishal Kumar S/o- Rakesh Kumar Resident of Village- Nakta Diara, P.S.- Digha, District- Patna, at present resident of Village- Mica Colony, P.S.- Digha, District- Patna.
6. Gollu Kumar @ Amit Kumar S/o- Manoj Rai Resident of Village- Nakta Diara, P.S.- Digha, District- Patna, at present resident of Village- Mica Colony, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2022 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 447, 341, 323, 307, 379, 504, 506, 188, 268, 269 and 34 of the Indian Penal Code.



Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 17.04.2020, when Mukhiya Bhagirath Prasad was distributing ration in Ward No. 5, several persons gathered on which Deputy Mukhiya suggested to maintain social distancing as per guidelines of Government which led to a dispute, thereafter the Mukhiya ordered to shoot, accordingly eight named accused, including petitioners, and some 8-10 unknown fired 10-12 shots on the brother of the informant but he somehow managed to save himself and further it is alleged that all the accused even attempted to enter the house of the informant armed with weapons but failed. On 18.04.2020, at about 09.45 A.M. the companion of the Mukhiya entered the house of the informant in search of his brother but he was not found and thereafter it is alleged that Manoj Kumar and Manish Kumar took Rs. 5,000/- and snatched gold chain earrings from the family members of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the allegations are cryptic and vague, it is next submitted that it absolutely does not stand to reason that if



10-18 people were firing continuously then how a person can be saved, it is next submitted that no firing was made as such no empty cartridges were recovered from the place of occurrence, it is next submitted that allegations of snatching Rs. 5,000/- and ornaments are ornamental.

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. 5,000/- (Rupees Five 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 Digha P.S. Case No. 228 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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