

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9047 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- ASHTHAWAN District- Nalanda

1. DHONI KUMAR @ DHONI KAMAR SON OF SURENDRA YADAV R/O VILLAGE- GAFUR BIGHA, P.S.- ASHTHAWAN, DISTRICT- NALANDA
2. CHINTU KUMAR SON OF SIYA SHARAN YADAV R/O VILLAGE- ASHTHAWAN, P.S.- ASHTHAWAN, DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2023 Heard the parties.

Learned counsel for the petitioners submits that during pendency of this anticipatory bail application the petitioner no. 1 has been arrested. Accordingly, this petition against the petitioner no. 1 has become infructuous.

Taking into consideration the aforesaid submission, the prayer for grant of anticipatory bail to the petitioner no. 1 is dismissed as infructuous.

Insofar as the petitioner no.- 2 is concerned he apprehends his arrest in connection with Ashthawan PS Case No. 75 of 2022 dated 13.03.2022 registered under Section 341, 323, 504, 506 / 34 of the IPC and Section 27 of the Arms Act.



As per the FIR on the date of occurrence i.e. on 13-03-2022 in the evening one Gopal Yadav along with two of his accomplices entered the house of the informant, enquired about her brother Sharukh Khan and when the informant said that he was not at home then Gopal Yadav (co-accused) started abusing and assaulted the father of the informant and also opened fire in air.

Learned counsel for the petitioner submits that petitioner no. 2 has falsely been implicated in the present case on the basis of name of the petitioner no. 2 having been disclosed by the Police spy. The petitioner no. 2 is not named in the FIR and no one has received injury in the alleged firing made by the co-accused / Gopal Yadav.

Regard being had to the submission made by the parties, taking into consideration the nature of allegation and the fact that no overt act has been alleged against the petitioner no. 2, I am inclined to grant anticipatory bail to the petitioner no. 2.

Let the petitioner no. 2, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of



Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection
with Ashthawan PS Case No. 75 of 2022 subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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