

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8492 of 2023

Arising Out of PS. Case No.-183 Year-2021 Thana- KOPA District- Saran

Umesh Rai S/O Mahesh Rai R/V- Chaukhara Balua Tola, P.S.- Kopa, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State assisted by learned counsel for the

informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 325, 307, 379, 427, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, when the informant was sitting at his Dalan, all of a sudden he sustained shot injury on his chest and saw that about 20-25 persons including the named accused persons were coming towards his house armed with country made pistol, gun, lathi, and danda and started damage of house hold articles.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely



implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioner. There is specific overt act against co-accused Dharmanath Rai, who has fired upon the informant, it is mentioned in the impugned order itself. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed prayer for anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Kopa P.S. Case No. 183 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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