

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12122 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- ATRI District- Gaya

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1. SUBODH KUMAR @ SUBODH SINGH S/O BRIJNANDAN SINGH
Resident of Village- Pandey Bigha, P.S.- Atri, District- Gaya.
 2. NITISH KUMAR S/O SUBODH SINGH Resident of Village- Pandey
Bigha, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 147, 148, 149, 341, 323, 307, 379,
385, 427 of the IPC and 27 of the Arms Act.

As per the prosecution case, the FIR named accused
persons including the petitioners came armed with rifle, pistol
and katta at the house of the informant and started firing due to
which, his son-in-law sustained fire arm injury. Petitioner no.2
is said to have further fired upon the family members of the
informant.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to prior enmity. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that the F.I.R. was instituted on the date of occurrence i.e. 15.05.2022 but the same has been sent in the Court on 25.05.2022 i.e. after delay of 10 days and no explanation has been given regarding the delay. There is specific allegation against the petitioner no.1 that he was having a rifle and fired upon the son-in-law of the informant by which he suffered leg injury and allegation against the petitioner no.2 is that he was having a desi katta and fired upon the informant. Petitioner no.1 has no criminal antecedent and petitioner no.2 has one criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner no.1 to have fired by rifle upon the son-in-law of the informant and the injury was found on thigh.

Having regard to the facts and circumstances of the case, since there is specific allegation against the petitioner no.1, I am not inclined to enlarge him on bail. The prayer for grant of



anticipatory bail on behalf of petitioner no.1 is hereby rejected.

However, as no injury was found on the person of informant, let the above named petitioner no.2, 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 Atri P.S. Case No.197 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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