

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14653 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- RASULPUR District- Saran

1. KRISHNA PRASAD Son of Late Chhathu Prasad Shah R/V- Rasalpur, P.S- Rasulpur, dist- Saran
2. Raja Babu Son of Tarkeshwar Prasad R/V- Rasalpur, P.S- Rasulpur, dist- Saran
3. Mithlesh Prasad Son of late Rambabu Prasad R/V- Rasalpur, P.S- Rasulpur, dist- Saran
4. Manoj Prasad @ Manoj Kumar Son of Late Rambabu Prasad R/V- Rasalpur, P.S- Rasulpur, dist- Saran
5. Ajay Kumar Prasad @ Ajay Patel Son of late Raghunath Prasad R/V- Rasalpur, P.S- Rasulpur, dist- Saran
6. Vijay Prasad @ Vijay Patel Son of late Raghunath Prasad R/V- Rasalpur, P.S- Rasulpur, dist- Saran
7. Jitendra Kumar @ Jitendra Haivanshi Son of Raj Kumar Prasad R/V- Rasalpur, P.S- Rasulpur, dist- Saran
8. Sanjeev Kumar Son of Subhash Prasad R/V- Rasalpur, P.S- Rasulpur, dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Singh
For the Opposite Party/s :	Mr. Satya Nand Shukla
	Mr. Anand Prakash Prabhakar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307, 342, 120(B)/34 of the Indian Penal Code and 27 of Arms Act.

The allegation against the petitioners is that they were planning to kill the entire family members of the informant. It is



alleged that on 07.10.2022, three accused persons fired two rounds on the son of the informant but he fled away and closed the gate as a result of which the bullet hit on the wall.

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. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is a case and counter-case between the parties. Petitioner nos.1 to 4, 6 & 8 have no criminal antecedent and petitioner no.5 and 7 have one criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by learned counsel for the informant that the police has not investigated the present case properly and the criminal antecedent of the petitioners is not mentioned in the case diary.

Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their 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) **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 Rasulpur P.S. Case No.280 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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