

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16082 of 2023

Arising Out of PS. Case No.-344 Year-2022 Thana- ASHTHAWAN District- Nalanda

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Bishwajeet Kumar @ Vishwajeet Kumar, aged about 49 years, son of
Raghunandan Prasad Sinha @ Raghunandan Yadav R/V- Khirichak, PS-
Asthawan Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
APP for the State of Bihar.

The petitioner is apprehending his arrest in connection
with Asthawan P.S. Case No. 344 of 2022 for the offence under
Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian
Penal Code and Section 27 of the Arms Act.

It is alleged that the instant petitioner has led an
unlawful assembly in firing upon the group of co-accused *Md.*
Naiyar Eqbal and *Vijay Yadav*. The group led by *Md. Naiyar*
Eqbal and *Vijay Yadav* have also allegedly fired upon the
petitioner's group.

Learned counsel for the petitioner submits that the
instant case is a sequel to the earlier cases alleged against both



the parties. Against the group led by *Md. Naiyar Iqbal*, Asthawan P.S. Case No. 217 of 2022 and Sare P.S. Case No. 148 of 2022 have earlier been instituted by the petitioner. Likewise the petitioner has been made accused in Asthawan P.S. Case No. 219 of 2018 and Asthawan P.S. Case No. 35 of 2018.

It is submitted that there is no allegation of anyone sustaining any firearm injury. The allegation of both the parties firing upon each other and firing being done by nearly twenty persons is not sustainable from the fact that only three empty cartridges have allegedly been recovered from the place of occurrence. In fact, the petitioner is a Chairman of Primary Agricultural Credit Societies of *Oiyao* Panchayat and his implication is based on extraneous consideration to defame him.

Learned APP for the State has opposed the prayer for bail. However, he is not in a position to deny the fact that no one has been injured in the occurrence.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Petitioner's anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a



period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate - 1st Class, Nalanda, Biharsarif in connection with Asthawan P.S. Case No. 344 of 2022 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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