

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17315 of 2023

Arising Out of PS. Case No.-108 Year-2021 Thana- ATHMALGOLA District- Patna

SHRAVAN KUMAR Son of Lekha Rai Resident of village - Naya Tola,
Sabnima, Athmalgola, P.S.- Athmalgola, District - Patna, Bihar - 803212.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2023 Heard Mr. Prabhat Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Athmalgola P.S. Case No.108 of 2021 instituted under Sections 147, 148, 149, 342, 323, 447, 337, 379, 504, 506 of the Indian Penal Code and under Section 27 of the Arms Act lodged on 04.06.2021 by the informant Raghubeer Rai.

As per the prosecution story, the accused armed with weapons came to the informant's house and started abusing. Ashok Rai and Vyas Rai caught hold of informer's wife and threw her on the ground. On hearing the commotion, Shravan Kumar hit on the informant's neck by a country made pistol, but the informant ran away. At the behest of Atal Kumar, firing was made and while retreating, Vyas Rai and Shravan Rai snatched gold chain from the neck of informant's wife and gold earrings



of informant's daughter and threatened to kill her. The reason for the quarrel is that a month ago Vikash Rai's brother-in-law Pintu Rai had eloped with the daughter of the informant. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioner that allegation is against Manchun Rai of opening fire against the informant as also against Byas and Ashok Rai having beaten the wife and daughter-in-law of the informant. So far as this petitioner is concerned, allegation is of hitting the informant on his neck by a countrymade pistol.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that there is allegation against him.

Considering the fact that main allegation is against Manchun Rai, Byas and Ashok Rai, the petitioner is a young boy, has clean antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Athamalgola P.S. Case No.108 of 2021 to the satisfaction of learned ACJM,



Barh, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

Before parting, this Court would like to put on record



its word of appreciation for Mr. Prabhat Kumar, learned counsel
appearing on behalf of the petitioner for the proper assistance
rendered in the matter.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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