

Arising Out of PS. Case No.-111 Year-2020 Thana- ALOULI District- Khagaria

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... .. Petitioner/s

Versus

... .. Opposite Party/s

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

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

2 19-05-2023 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Alauli PS case no. 111 of 2020, registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that on 27.03.2020 while he had reached at his godown and was talking with one Manish Singh, who is staff of the godown, the accused persons including the petitioner herein had arrived there and had asked the informant to pay extortion money to the tune of Rs. 5 lacs, however, when he had objected, accused persons namely Md. Rabban



had fired from his pistol but the same did not hit anyone and then co-accused Pankaj Yadav had also fired from his pistol, resulting in the aforesaid Manish Singh sustaining gun shot injuries. It is also alleged that thereafter, labourers and people from nearby place had arrived there and then the accused persons had fled away.

The learned counsel for the petitioner submits that petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has not been alleged to have either fire gun shots on the injured persons or assaulted the informant and others, hence, he is having no complicity in the matter. It is also submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide orders dated 11.07.2022 and 22.08.2022, passed in Cr. Misc. no. 57329 of 2021 and Cr. Misc. no. 5348 of 2022, respectively.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that the petitioner has not been alleged to have either fired gun shots or assaulted the informant and others apart from the fact that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Khagaria in connection with Alauli PS case no. 111 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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