

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19950 of 2023**

Arising Out of PS. Case No.-165 Year-2022 Thana- RANIGANJ District- Araria

Samshul @ Samsul Son of Abul Sah @ Abul R/V- Jagta Kharsahi Palar Ward
no. 10, P.S- Raniganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 15-06-2023 Heard Mr. Nafisuzzoha, learned counsel appearing on
behalf of the petitioner and learned Additional Public Prosecutor
for the State.

The petitioner apprehends his arrest in connection
with Raniganj P.S. Case No. 165 of 2022, registered for the
offences punishable under Sections 147, 148, 149, 448, 341,
323, 354B, 379, 307, 504 of the Indian Penal Code and Section
27 of the Arms Act.

It is alleged that all the FIR named accused persons
and some unknown persons attacked the informant side and
opened fire causing injury on the chest of the informant's son
and further they barged into the house of the informant and took
away the valuables and cash and also outraged the modesty of
women.



Learned counsel appearing on behalf of the petitioner submits that the occurrence took place on 08.05.2022, however, the present FIR has been instituted on 13.05.2022 without any plausible explanation. He next submitted that the prosecution case as alleged in the FIR also does not corroborate by the injury report, which suggests no bullet injury over the body of the person of the son of the informant. He further submits that the other co-accused persons, 32 in numbers, having identical allegation, they have been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 72004 of 2022 *vide* order dated 10.02.2023. He next submitted that on account of the similar facts two other criminal cases have been instituted by the members of the informant side and prior to that the petitioner had absolutely clean antecedent.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons having similar allegation have been allowed the privilege of anticipatory bail, coupled with the fact that injury report has not corroborated the prosecution case, let the petitioner abovenamed be released on bail, in the event of his



arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Raniganj P.S. Case No. 165 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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