

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21772 of 2023

Arising Out of PS. Case No.-33 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. Dhiraj Kumar @ Dhiraj Pathak Son Of Upendra Pandit @ Upendra Baidh R/V- Bhusunda P.S- Muffasil Dist- Gaya
2. Manjhal Kumar @ Neeraj Kumar Pathak Son Of Upendra Pandit @ Upendra Baidh R/V- Bhusunda P.S- Muffasil Dist- Gaya
3. Chhotu Kumar @ Suraj Kumar Son Of Upendra Pandit @ Upendra Baidh R/V- Bhusunda P.S- Muffasil Dist- Gaya
4. Ajeet Kumar Son Of Rambilas Sao R/V- Bhusunda Balapar P.S- Muffasil Dist- Gaya
5. Pawan Kumar Son Of Rajendra Prasad R/V- Bhusunda Balapar P.S- Muffasil Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 03-10-2023 Heard learned counsel for the petitioners and

learned APP for the State.

2. Learned counsel for the State has filed a counter
affidavit in the present case in Court.

3. Let it be kept on record.

4. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 323, 324, 307 of the Indian Penal Code and Section 27 of
the Arms Act.



5. As per the prosecution case, it is alleged that the petitioners along with other accused persons entered into the house of the informant and fired gunshot upon his father as a result of which his father sustained injury on his nose and he fell down on the ground in unconscious position.

6. Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the petitioners are said to have assaulted the informant severely but the injury report of the informant shows that the informant has suffered two abrasion and pain swelling which are simple in nature. He also submits that the father of the informant, who is said to have suffered gunshot injury was not taken to any local hospital. It was stated that the father of the informant was treated at a private hospital, Patna, and when the police visited the said hospital no injury report was made available to the police. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State opposes the prayer for anticipatory bail and submits that the injury was found grievous in nature. Hence, they do not deserve privilege of anticipatory



bail.

8. Having regard to the facts and circumstances of the case, let the above named petitioners no. 2, 3, 4 and 5, 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 Muffasil P.S. Case No. 33 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. Considering the facts and circumstances of case and the fact that there is specific overt act against petitioner no. 1, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the petitioner no. 1 is hereby rejected.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

