

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23733 of 2023

Arising Out of PS. Case No.-777 Year-2022 Thana- GAURICHAK District- Patna

1. GULSHAN KUMAR SINGH SON OF SUDHIR SINGH Resident of village - Sheikhpura, P.S. - Gaurichak, Distt. - Patna
2. RANVIR KUMAR SINGH @ RAJU SINGH SON OF LATE BASKRIT SINGH Resident of village - Sheikhpura, P.S. - Gaurichak, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Abhay Kumar, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Ms. Sanju Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2023 Heard learned Senior counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

Learned Senior counsel for the petitioners submits that the petitioners have antecedent of two case and the informant alleges that on 21.11.2022, Ranvir, Gulshan, Navin, Rahul and Chandan along with 5-7 unknown accused persons fired about 50 rounds from their arms with an intention to finish



the entire family of the informant for not withdrawing the complaint, further alleges that firing was done at the behest of Rekha Devi, Laxman and family members of the Aanganwadi Sevika.

Learned Senior counsel for the petitioners next submits that it absolutely does not stand to reason that informant alleges that the occurrence took place at 10:00 PM in the night, but then the F.I.R. was instituted the next day at 04:00 PM. It is further submitted that though there is allegation of indiscriminate firing by the named accused persons, firing nearly more than 50 rounds, but only 19 empty cartridges were recovered.

Learned Senior counsel for the petitioners next submits that in the F.I.R., it is alleged that the occurrence was committed by the accused persons with a view to coerce the informant into submission for withdrawing the complaint, it is next submitted that though there is allegation that the occurrence was committed as the informant was being pressurized for withdrawing the complaint, but then the F.I.R. does not disclose what was the nature of the complaint, which the informant had filed and against whom. It is next submitted that informant had instituted a complaint against Laxman,



Roshan and Ranvir, it is next submitted that though the complaint instituted by the informant was disposed of on 25.10.2022 by District Co-operative Officer, as such, there was absolutely no occasion for the accused to commit the occurrence.

Learned Senior counsel for the petitioners further submits that the petitioners will not abscond and rather will co-operate in the investigating and will present himself as and when required by the Investigating Officer of the case for eliciting the truth.

Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners, but are not in a position to rebut the submissions of the learned Senior counsel for the petitioners that the F.I.R does not even remotely suggest that what was the nature of the complaint instituted by the informant and against whom and what action was taken in pursuance of the complaint which necessitated the occurrence, when it has been submitted that the complaint has been disposed of as recorded hereinabove.

Considering the submissions made by the learned Senior counsel for the petitioners, the petitioners above-named,



in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gaurichak P.S. Case No. 777 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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