

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28308 of 2023

Arising Out of PS. Case No.-453 Year-2022 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Gopal Prasad @ Gopal Koiry, Son of Late Bhola Mahto, Resident of Village- Nailly P.S.- Magadh Medical , District- Gaya
 2. Mahesh Prasad @ Mahesh Koiry, Son of Late Bhola Mahto, Resident of Village- Nailly P.S.- Magadh Medical , District- Gaya
 3. Umesh Prasad @ Umesh Koiry, Son of Late Bhola Mahto, Resident of Village- Nailly P.S.- Magadh Medical , District- Gaya
 4. Ramesh Prasad @ Bablu Koiry @ Buloo Koiry, Son of Late Bhola Mahto, Resident of Village- Nailly P.S.- Magadh Medical , Districtt- Gaya
 5. Raju Kuamr @ Raju Koiry @ Raju Prasad Koiry, Son of Mahesh Koiry Resident of Village- Nailly P.S.- Magadh Medical , Districtt- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with M.M.C.H. (Magadh Medical) P.S. Case No. 453 of 2022 registered for the offence punishable under Section 307 of the Indian Penal Code and Section 27 of the Arms Act. They have got no criminal antecedent.

As per the prosecution story, on 13.12.2022 at about 03:00 P.M. when the informant was sitting at the house of his brother Ramjee Prasad, all of a sudden, he heard the sound of a



firearm and the bullet penetrated the door of the bathroom when the son of Ramjee Prasad was in the said bathroom. It is further alleged that due to old enmity, the said occurrence took place.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that the informant has not seen the person who had fired and on mere suspicion and old enmity, implicated the petitioners in this case. It is further submitted that there is no injury to anybody.

Learned APP for the State has opposed the anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein the submission is that the informant has not seen the person who fired but has on mere suspicion due to earlier land dispute falsely implicated the petitioners and others, there is no injury to anybody in the alleged occurrence and that the petitioners have otherwise no criminal antecedent, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners shall be released on bail in connection with M.M.C.H. (Magadh Medical) P.S. Case No. 453 of 2022 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 learned Judicial Magistrate,
1st Class, Gaya, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify
the criminal antecedent of the petitioners and in case at any
stage it is found that the petitioners have concealed their
criminal antecedent, the court below shall take step for
cancellation of bail bond of the petitioners. However, the
acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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