

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34787 of 2023**

Arising Out of PS. Case No.-302 Year-2022 Thana- FATUA District- Patna

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Mohan Kumar @ Mohan Rai @ Mohan Gope s/o Sadhu Rai Resident of  
Village-Raipura, P.S. Fatuha, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

5      30-10-2023                      Heard learned Senior Counsel for the petitioner and  
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 337, 338, 504/34 of the Indian Penal Code and Section 27 of the Arms Act, later on Section 302 of the I.P.C. is also added.

3. As per the prosecution case, allegation against the petitioner is that he along with other co-accused persons have fired upon the informant's side.

4. Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the



petitioner is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioner. He further submits that the statement of the father of the deceased was recorded in para-50 of the case diary, in which he has stated that the petitioner has fired upon the deceased, but in the F.I.R. it is not mentioned. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his 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) 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 Fatuha P.S. Case No. 302 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

anand/-

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