

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38820 of 2023

Arising Out of PS. Case No.-165 Year-2021 Thana- GAYA MUFASIL District- Gaya

SANTU KUMAR @ SANTU SAW S/O GOPAL SAW @ GOPAL SAO R/O
Village- Dihura, PS. Alipur, Dist. Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.
For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 147, 148, 149, 307 of the IPC and
section 27 of the Arms Act.

3. Allegedly, two groups, in order to show their power
started firing and on arrival of police, they fled away. It is
alleged that petitioner was also a member of the group. During
search, some fired and mis-fired cartridge were recovered.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case. No such occurrence, in
the manner as alleged, has ever taken place. The allegation
leveled against the petitioner is not specific rather general and



omnibus in nature. It is submitted that from bare perusal of the F.I.R., it is evident that no person sustained any injury. No recovery has been made from the conscious physical possession of the petitioner and only on suspicion, he was made accused in this case. Petitioner has no criminal antecedent and similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 23.02.2023 passed in Cr. Misc. No.59406 of 2022.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, since no person was injured, 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 Muffasil P.S. Case No.165/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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