

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40461 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- SARAI RANJAN District- Samastipur

RAJESH KUMAR RAI son of Sheo Chandra Rai @ Sheo Chandra Yadav
Village- Sarairanjan Tola- Shitalpatti Ps- Sarairanjan Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-08-2023 Heard the parties.

2. Petitioner apprehends his arrest in connection with Sarairanjan PS Case No. 35/2023 dated 29.01.2023 registered for the offence punishable under Sections 341/324/307/325/504/506/ 34 of the IPC Section 27 of the Arms Act.

3. As per FIR, in the night of 06.03.2022 at about 10.30 PM while the husband of informant was having dinner, the petitioner called her husband. The husband of the informant went outside of his house and the informant also followed him. It has further been alleged that the petitioner along with two other persons started abusing the husband of the informant, in the meanwhile, the petitioner pulled out pistol from his waist and fired which hit near the neck of her husband.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to



business rivalry and he has not committed any offence in the manner alleged. He next submits that the falsity of the allegation is evident from the fact that the occurrence has taken place on 06.03.2022 while the FIR has been lodged on 29.01.2023 on the basis of information given to the police by the informant on 29.01.2023 itself. There is an inordinate delay of about nine months in lodging of the FIR.

5. Regards being had to the submissions made by the parties, taking into consideration the delay in lodging of the FIR, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Samastipur in connection with Sarairanjan PS Case No. 35/2023, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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