

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41104 of 2023

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

1. JITESH KUMAR Son of Satrudhan Rai Resident of village - Tole Sital Patti, P.S.- Sarairanjan, Distt.- Samastipur
 2. Dharmvir Kumar Paswan @ Dharmmlal Paswan Son of Chhallu Paswan Resident of village - Prem Bramhanda, P.S.- Ujarpur, Distt.- Samastipur.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Sarairanjan P.S. Case No.- 35 of 2023 registered for the offences punishable under Sections 341, 324, 307, 325, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. They have got no criminal antecedent.

3. Learned counsel for the petitioners submits that on 06.03.2022 at 10:30 P.M., Rajesh Kumar Rai along with these petitioners called the informant's husband outside his house. When the informant's husband went there, Rajesh Kumar Rai along with these petitioners started abusing him and in the mean



time accused Rajesh Kumar Rai shot fire from his pistol which hit the neck of the informant's husband.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the specific allegation of firing is against co-accused Rajesh Kumar Rai and not against these petitioners

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

6. Having regard to the facts and circumstances wherein the alleged occurrence took place on 06.03.2022 but the police was informed about the occurrence on 29.01.2023 whereafter the FIR was lodged, the specific allegation of firing is against co-accused Rajesh Kumar Rai and not against these petitioners, the petitioners have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named shall be enlarged on bail in connection with Sarairanjan P.S. Case No.- 35 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- III, Samastipur, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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