

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49129 of 2023

Arising Out of PS. Case No.-622 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

NAGESHWAR RAI SON OF LATE MOHIT RAI RESIDENT OF
VILLAGE- SINDURI, PS- SADAR HAJIPUR, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha
For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-08-2023 Heard the parties.

2. The petitioner apprehend his arrest in a case registered for the offence punishable under Sections 307 and other allied Sections of the Indian Penal Code.

3. The allegation against the petitioner is that he inflicted iron rod upon the informant and on the order of the petitioner, co-accused fired upon the informant due to which he got injured.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have 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 levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the



petitioner. He submits that the learned Court below has not taken cognizance u/s 27 of Arms Act against the petitioner. Both the petitioner and informant are agnates. Petitioner has no criminal antecedent.

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

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his/her 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 Hajipur Sadar P.S. Case No.622 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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