

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48914 of 2023

Arising Out of PS. Case No.-293 Year-2019 Thana- SUPAUL District- Supaul

1. Rahul Singh, Son of Vijay Singh Resident of village - Koshi Colony, P.S. - Koshi Colony, Distt. - Supaul. Present R/o Vill - Dhaboli, Jhana Saur Bazar, P.S. - Saur Bazar (Pattar Ghat O.P.), Distt. - Saharsa
2. Md. Karim, Son of Md. Majlum R/o vill - Chakla Nirmali ward no. 6, P.S. and Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patla Kumari, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Supaul P.S. Case No. 293 of 2019, registered on 03.05.2019, for the alleged offence under Sections 341, 323, 354, 307, 385, 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, the petitioners and other co-accused persons entered into the house of the informant and the co-accused Sanjiv Kumar thrice fired upon the informant with pistol, but the shot missed the informant. The allegation against the petitioner and co-accused Vikash Mandal is that they put the informant down by holding her hair and assaulted her with fists, slaps, iron rod and pistols. The assailants left the informant



thinking her to be dead.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have not participated in any occurrence of such nature and due to village politics they have been named in this case. When the informant was treated at PHC, no injuries were found and she was discharged after giving some medicines by the doctor. From the FIR, it is also apparent that there was no eye witness who might have seen the occurrence. The petitioners have no criminal antecedent. Learned counsel further submits that the prosecution case is not believable and allegation of firing is against other co-accused, but there appears no intention to cause death, otherwise nothing could have prevented the petitioners and other co-accused persons from causing death.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the co-accused fired upon the informant and other co-accused assaulted her and left her thinking her to be dead.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of any injury upon the informant and further considering the probability of false implication, let the petitioners above named, in the even of their arrest or surrender before the court



concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 293 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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