

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63946 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Babu Sahaib @ Babu Saheb Son of Sri Suresh Rajak R/o vill - Imamganj, P.s.
- Muzaffarpur Town, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sagar Kumar, Adv.
For the Opposite Party/s : Mr.Shantanu Kumar APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Town (Sikandarpur) PS Case No. 192 of 2023, dated 10-03-2023 registered for the offence punishable under Sections 384 and 506 of the IPC and Sections 25(1-b)a/26/27/35 of the Arms Act.

3. The prosecution case, in short, is that on 09-03-2023 at 04.00 pm, the informant received a threat call demanding Rs. 50,000/- (Fifty Thousand), claiming that he (Caller) spent the said amount on his bail in a case filed against him by the mother of the informant arising out of Nagar P.S. Case No. 960 of 2023 on 23.10.2022. On the same day, at about



10:00 pm, the petitioner along with other named accused persons came to the house of the informant with country made pistol and started stone pelting and opened gunshot firing. It is further alleged that on hearing gunshot firing, local people gathered and informed Police, but the accused persons ran away. The police recovered two bullet shells and one live bullet from the place of occurrence.

4. It is submitted by the petitioner's counsel that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that the allegation against the petitioner is general and omnibus in nature and though cartridges have been recovered, but nobody has received the gunshot injury. It is further submitted that on perusal of the F.I.R., it is apparent that the main allegation is against Raja, who demanded the money worth Rs. 50,000/- (Fifty Thousand) from the informant and also threatened him. In fact, the petitioner was an accused with Raja in Town PS Case No. 960 of 2022. The other co-accused of this case has been privileged with anticipatory bail vide order passed in Cr. Misc. no. 53864 of 2023 (Annexure-2).

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

6. Considering the rival submissions as also the fact



that other co-accused of this case has been privileged with anticipatory bail vide order passed in Cr. Misc. no. 53864 of 2023. (Annexure-2), this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Muzaffarpur, in connection with Town (Sikandarpur) PS Case No. 192 of 2023, dated 10-03-2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive



dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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