

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65028 of 2023

Arising Out of PS. Case No.-999 Year-2022 Thana- BIHTA District- Patna

ANISH KUMAR son of Umashankar Singh Village- Suarmarwa Ps- Maner
Dist- Patna A/p- Janta Road Saristabad Ps- Gardanibag Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purusottam Kumar, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Bihta P.S. Case No. 999 of 2022 dated 29.09.2022, instituted for the offence punishable under Sections 147, 148, 149, 307, 379, 120(B), 160, 216 and 302 of the Indian Penal Code and 27 of the Arms Act.

3. As per the F.I.R., an information was given that two rival gangs are firing at each other. When the police party reached at the place of occurrence, they saw that both gangs are firing indiscriminately against each other. When the police party took the position, they fled away from that place. When the inquiry was made from the local villager and *chaukidar*, they told the name of the petitioner and during investigation it was



found that because of indiscriminate firing four people were killed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the name of the petitioner has come in this case only on the basis of suspicion. It is further submitted that 20 accused persons were named in the F.I.R. and during investigation 19 more persons have been made accused, the petitioner is one of the newly added accused person. It is further submitted no incriminating article has been recovered either from conscious possession or from the house of the petitioner. It is further stated that several accused persons whose name have been mentioned in the F.I.R. have been granted bail by Co-ordinate Benches of this Court whose details are mentioned in Annexure-3(Series). Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bihta P.S. Case No.



999 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. I, Danapur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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