

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70479 of 2023**

Arising Out of PS. Case No.-844 Year-2022 Thana- FATUA District- Patna
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1. SARVJEET KUMAR SON OF ANIL SINGH @ ANIL YADAV R/O VILLAGE-
VARUNA, P.S.- FATUHA, DISTRICT- PATNA
2. ANIL KUMAR SON OF RAMANAND SINGH @ RAMANAND YADAV R/O
VILLAGE- ARYAGTOLA, P.S.- FATUHA, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Vijay Anand
For the Opposite Party/s : Mr.Md. Matloob Rab
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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. Vijay Anand, learned counsel for the
petitioners and Md. Matloob Rab, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Fatuha P.S. Case No. 844 of 2022 registered for the offence
under Sections 323, 341, 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioners along with others are alleged to have
been firing in a dispute between two parties and the police have
recovered 14 empty cartridges from the spot.

Learned counsel appearing for the petitioners submits
that the petitioners are innocent and have falsely been implicated
in this case. He further submits that the allegation, as alleged in
the F.I.R., is false and fabricated and the petitioners have not



committed any offence. He further submits that on bare perusal of the F.I.R. and the seizure list, it appears that there is no specific allegation of firing is attributed to the petitioners rather general and omnibus allegation are leveled against the accused persons including the petitioners. He further submits that though there is allegation of firing in the F.I.R. but no one has sustained any bullet injury.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submits that the petitioners along with others have made firing upon their counterpart. He further submits that petitioner No. 1 has no criminal antecedent whereas petitioner No.2 carries one criminal antecedent other than the present one wherein he is on bail according to the paragraph-3 of the petition.

Considering the facts and circumstances of the case and the fact that no specific allegation of firing is attributed to them and nor anyone has sustained injury, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City in connection with Fatuha P.S. Case No. 844 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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