

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72653 of 2022

Arising Out of PS. Case No.-412 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. KANHAIYA KUMAR @ KANHAIYA SINGH Son of Late Naresh Singh
R/V- Pansala, P.S- Begusarai Muffasil (Lakho O.P) Dist- Begusarai
 2. Gopal Singh Son of Chhatis Singh R/V- Pansala, P.S- Begusarai Muffasil
(Lakho O.P) Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar no. 3, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 16-05-2023 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition *qua* the petitioner no. 1 in order to enable him to surrender before the learned court below and avail the privilege of regular bail. Liberty so sought is granted.

The present petition stands dismissed as not pressed *qua* the petitioner no. 1.

Heard the learned counsel for the petitioner no. 2 and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Begusarai Muffasil PS case no. 412 of 2022, registered for the offences punishable under Sections 147, 341,



323, 307, 504, 506 of the Indian Penal Code and Section 27 of Arms Act.

The case of the prosecution is that the accused persons including the petitioner no. 2 herein had arrived at the field in question, where the informant and his brother were cutting grass, whereafter the accused persons had assaulted the informant and fired gun shots on the informant and his brother. As far as petitioner no. 1 is concerned, he is stated to have assaulted the brother of the informant, resulting in him sustaining injuries.

The learned counsel for the petitioner no. 2 submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner no. 2 is accused in one another case but he is on bail in the said case. It is also submitted that there is no specific allegation *qua* the petitioner no. 2, of him having indulged in any sort of overt act, hence, petitioner no. 2 be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State and the learned counsel for the informant have though vehemently opposed the prayer for bail *qua* the petitioner no. 2 but have not been able to show from the F.I.R. that the petitioner no. 2 had



indulged in any sort of over act.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner no. 2 is not alleged to have indulged in any sort of overt act, I deem it fit and appropriate to admit the petitioner no. 2 to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner no. 2, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil PS case no. 412 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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