

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74577 of 2022

Arising Out of PS. Case No.-108 Year-2014 Thana- BAHADURPUR District- Patna

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MANISH KUMAR SON OF MR. SHYAM MANOHAR SHARMA R/O
VILLAGE- SONWAN, P.S.- GHOSI, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 448, 325, 326, 120B, 504, 506, 307 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a student.

The informant alleges that some hostlers on condition of anonymity disclosed to the informant that injured had put lock in room no. 303 of the hostel which was being objected by the petitioner and two other named accused persons and on the date of occurrence, they assaulted the injured and one out of three fired causing injury to the injured who was taken to the



hospital for treatment in an unconscious state.

Learned counsel for the petitioner next submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R, it would manifest that the injured received gunshot injury, but then there is no eye witness to the occurrence and the informant also alleges that some hostlers on condition of anonymity disclosed about the occurrence, but they also did not disclose that who amongst those three fired causing injury to the injured. It is next submitted that petitioner is a student.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the allegation as allegation in the F.I.R., it would manifest that the injury suffered by the injured is serious in nature, the injured was in an unconscious state and hence was not in a position to speak and thus the informant could not record his statement and the investigation is going on.

Learned counsel for the petitioner, at this stage, submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bahadurpur P.S. Case No. 108 of 2014 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailors of the petitioner shall be his father Shyam Manohar Sharma.

However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating or is not presenting himself as and when required, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons and thereafter to take all coercive steps to ensure that petitioner is behind bar.

Accordingly, the present anticipatory bail application stands allowed.



Let a copy of this order be sent to the concerned
police station through the learned Trial Court.

(Satyavrat Verma, J)

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