

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1791 of 2023

Arising Out of PS. Case No.-933 Year-2022 Thana- PHULWARISHARIF District- Patna

SURENDRA RAI @ SUNDER KUMAR @ SURENDRA KUMAR Son of
Shyam Narayan Rai @ Shyam Rai R/V- Mohammadpur Korji, P.S-
Phulwarisharif Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepika Sharma, Adv.
Mr. Aayush Abhishek, Adv.
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Phulwarisharif P.S. Case No. 933 of 2022, registered for the offence punishable under Section 307/34 of the Indian Penal Code and Section 27 of the Arms.

The accusation is regarding the accused persons including the petitioner having opened fire upon the informant, however, the informant escaped from being shot, whereafter the accused persons had fled away.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further



submitted that though the petitioner is stated to be an accused in three other criminal cases, however, he has stood acquitted in one of them, while he has not been charge-sheeted in another and as far as the third case is concerned, he is on bail. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by the learned Court below by an order dated 17.11.2022, passed by the learned Court of Additional Sessions Judge XXV, Patna, in Anticipatory Bail Petition No. 6537 of 2022. The learned counsel for the petitioner has further submitted that the present case arises out of case and counter case, inasmuch as one Phulwarisharif P.S. Case No. 937 of 2022 has been filed by the wife of the petitioner against the informant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled and the informant has not received any bullet injury, apart from the fact that the present case arises out of case and counter case, I deem it fit and proper to admit



the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge XIV cum ACJM, Patna in connection with Phulwarisharif P.S.Case No. 933 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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