

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7319 of 2024

Arising Out of PS. Case No.-1435 Year-2023 Thana- DANAPUR District- Patna

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1. Nitesh Kumar @ Nitish Kumar S/O- Sri Chandeshwar Prasad Singh R/O- Chulhaichak, Danapur Cum Khagaul, P.S.- Rupaspur, Dist.- Patna, Bihar
 2. Prashant Kumar @ Kumar Prashant S/O- Late Vijay Prasad R/O- Village- Kothwan, P.S.- Khagaul, Danapur, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Verma, Sr. Adv
Mr.Sanjiv Sharan, Adv

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP
Mr. Rajesh Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-03-2024 1. Heard learned senior counsel for the petitioners, Mr. Rajiv Kumar Verma, learned A.P.P. for the State along with learned counsel for the OP No. 2, Mr. Rajesh Kumar Singh.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, and 504 of the Indian Penal Code and Section 27 of Arms Act.

3. The learned senior counsel for the petitioners submits that petitioners are persons with clean antecedent. It is next submitted that on account of dispute relating to land, the present false case came to be instituted against the petitioners with general and omnibus allegations. It is also submitted that it



is pertinent to mention the background in which the present occurrence is alleged to have taken place. It is next submitted that once Devendra Dangi @ Randhir Kumar gifted the land in dispute to his wife Rinku Kumari on 3-12-2022, thereafter Rinku Devi entered into an agreement for sale of the land in question with Nitish on 1-2-2023. It is submitted that the moment Rinku Kumari entered into an agreement for sale with Nitish, when the informant of the present case filed Title Suit No. 59 of 2023, which is pending adjudication in the court of learned Sub-Judge- 1st , Danapur and also instituted the instant FIR alleging therein that he came to know that the accused persons, including the petitioners, were filling the land in question on which the informant along with his family members came at the place of occurrence, when it is alleged that Ayush Dangi fired causing firearm injury to the father and grandmother of the informant and the grandmother during the course of treatment died. It is further alleged that rest of the accused persons, who were present at the place of occurrence, including the petitioners, also fired indiscriminately on account of which the informant and his brothers received pellet injuries.

4. The learned senior counsel thus submits that from bare perusal of the allegation as alleged in the FIR, it would



manifest that the allegation of firing is specific against Ayush Dangi which also led to the death of the grandmother of the informant during the course of treatment. It is next submitted that as far as present petitioners are concerned, the allegation against them is general and omnibus in nature. It is also submitted that since the informant is having dispute with respect to the land which Devendra had gifted to his wife Rinku Kumari; and Rinku Kumari had entered into an agreement for sale with Nitish as such Nitish has also been implicated along with Prashant with general and omnibus allegations. The learned senior counsel next submits that petitioners will not abscond rather will cooperate in the investigation. It is next submitted that even presuming what has been alleged is true without admitting, then allegation of indiscriminate firing is against more than 10-12 accused persons, some named and some unnamed, but then the nature of injuries suffered by the informant and his brother does not corroborate the allegation as alleged in the FIR of indiscriminate firing.

5. The learned APP and learned counsel for the OP no. 2 oppose the anticipatory bail application but then are not in a position to rebut the submission of the learned senior counsel for the petitioners that there is no specific allegation of causing



firearm injury against the petitioners and that Rinku Kumari had entered into an agreement for sale with respect to the land in dispute with Nitish.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Danapur P.S. Case No. 1435 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 petitioners, despite giving assurance to this court, are not cooperating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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