

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7439 of 2024

Arising Out of PS. Case No.-781 Year-2023 Thana- BIHTA District- Patna

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Ajit Kumar @ Ajeet Kumar Son of Shiv Prasan Rai Resident of Chourasi Tola
Colony, Madhopur, P.S.-Maner, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 26-02-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Bihta P.S Case No. 781 of 2023 dated

27.07.2023 registered for the offence punishable u/s 147, 148,

149, 302 of the Indian Penal Code of Arms Act.

4. As per the prosecution case, petitioner and the co-

accused persons were illegally cutting sand from the farm of the

informant's father and villagers by the Poklan Machine. When

the informant father's and villagers objected the same, all the



accused persons started firing. In the meantime, the co-accused *Anish Rai* and *Praveen* fired on the chest of the informant's father.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has one criminal antecedent which is lodged after the present case in which the petitioner is on bail. Learned counsel further submits that the informant is not the eye witness in this case. The allegation of firing is against the other co-accused Anish Rai and Praveen alias Biru, in this aspect, Section 27 of the Arms Act and Section 302 of the Indian Penal Code is not attracted against the petitioner. No specific allegation has been attributed against the petitioner. The allegations against the petitioner are general and omnibus

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, as well as the allegation being general and omnibus against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of



the like amount each to the satisfaction of the learned court concerned, Danapur (Patna) in connection with Bihta P.S. Case No. 781 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with the following conditions :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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