

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7724 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- ISLAMPUR District- Nalanda

Ashutosh Kumar @ Pawan Kumar Son of Rajnandan Prasad Resident of
Village-Pachlaura, P.S.-Islampur, Distt.-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Amresh Kr. Sinha, Advocate Mr. Saroj Choudhary, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-02-2024 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Islampur P.S. Case No. 163 of 2023 instituted under Sections 147, 148, 149, 341, 323, 379, 427, 504, 506 of the Indian Penal Code and section 27 of the Arms Act lodged on 29.3.2023 by the informant, Santosh Kumar.

3. As per the allegation, the informant alleged that when he was at his grocery shop, the accused persons came, abused and upon protest opened fire. They also resorted to stone pelting which damaged the door. Further allegation is of looting of the shop and taking away Rs. 6000/- from the cash box. Further allegation against Kapil Mahto and Birendra Mahto are of opening fire, as the police arrived, they escaped. Accordingly,



the FIR.

4. Learned Senior Counsel submits that he is the elected 'Mukhiya' and due to village politics, he has been named. There is case and counter case and in their counter case, section 307 of the IPC has also been incorporated. Further, the injury has been found to be simple in nature.

5. Learned APP opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid facts/submissions as also that omnibus allegation is there, the main allegation is against Kapil Mahto and Birendra Mahto of opening fire, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Islampur P.S. Case No. 163 of 2023 to the satisfaction of learned A.C.J.M., Hilsa, Nalanda subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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