

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8668 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- BIKRAM District- Patna

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1. ROHIT KUMAR @ ROHIT RAJ S/o Ashok Kumar Resident of Village-Jamalpur, P.S.-Bikram, District-Patna.
 2. RAHUL KUMAR @ LAL PURIYA S/o Dhananjay Kumar Resident of Village-Jamalpur, P.S.-Bikram, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nageshwar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bikram P.S. Case No. 96 of 2023 for the offence registered under sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 03.03.2023 by the informant, Arvind Kumar.

3. As per the prosecution story, the informant alleged that when he was at home, the accused persons came and one Vicky Kumar opened fire, though he save himself. He further submits that other accused also opened fire. He submits that the reason behind the firing was that the accused, Vicky Kumar alleged that the informant's son Anshu has seen to it that his sister-in-law's marriage is not solemnized. Accordingly, the F.I.R.



4. Learned Counsel for the petitioners submit that a bare perusal of the F.I.R. would show that the allegation of opening fire is on Vicky Kumar. The only allegation against him is of accompanying Vicky Kumar and a vague omnibus allegation that other accused also opened fire. He submits that only because of criminal antecedent, he has been implicated.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he was also present along with Vicky Kumar when he opened fire.

6. Taking into account the aforesaid submissions as also the fact that the main allegation is against Vicky Kumar who opened fire, though there is no injury on the part of the informant, their presence has only been shown in the F.I.R., this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-6th, Danapur (Patna) in connection with Bikram P.S. Case No. 96 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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