

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12454 of 2024

Arising Out of PS. Case No.-334 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Sanjay Kumar @ Divesh Deep @ Sanjay Yadav @ Devesh Deep S/O
Upendra Yadav @ O.P Yadav Village- Saini Tola, Ward No. 21, Ps.-
Bakhtiyarpur, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Bakhtiyarpur P.S. Case no. 334 of 2023 instituted for the offence under Sections 341, 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, informant along with Ramkalesh Sah were returning from Bakhtiyarpur market after purchasing household articles by motorcycles and when they reached near BSNL tower, six miscreants on two motorcycles started indiscriminate firing upon the informant. Informant received one gunshot injury on his left thigh and Ramkalesh



received two gunshot injuries over his thigh and one gunshot below the knee.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. FIR has been lodged after a delay of about a week whereas, police station is one kilometer away from the informant's house. Petitioner is not named in the FIR rather his name transpired in statement of injured Ramkalesh Sah. According to para 75 of the case diary, petitioner had fired two shots, one hit the petrol tank of the bike and another hit at the back light of the bike. Injury found on the injured person is simple in nature and injury report is annexed as Annexure-2.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Bakhtiyarpur P.S. Case no. 334 of 2023, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each



to the satisfaction of learned Chief Judicial Magistrate, Saharsa
subject to the conditions as laid down under section 438(2) of
the Cr.P.C.

(Sunil Kumar Panwar, J)

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