

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12992 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Ashok Yadav @ Ashok Kumar S/o Bhantu Prasad @ Bhantu Rai @ Bhantu Prasad Yadav @ Bhantu Ray R/o vill - Agarwa (Agarawa), P.S. - Jitna (Ghorasahan), Distt. - East Chamapran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2024

1. The case has been taken up for hearing out of turn on mentioning made by the learned counsel for the petitioner on the ground that elder sister of the petitioner Kumari Ansu is getting married to Pankaj Kumar, Son of Sri Baiju Prasad Yadav, Resident of Bisahi, P.O. Malipokhar Bhinda, P.S. Sheohar, District Sheohar.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. Learned counsel for the petitioner submits that petitioner has antecedent of one case and from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that while he was coming to his shop when he



was intercepted by two unknown persons who asked him to surrender his belongings and when he said that he does not have any belongings with him, thereafter one of the accused fired causing injury on his right cheek and neck. It is further submitted that the FIR was against unknown and during the course of investigation Tuntun Kumar and Sandeep Kumar were arrested and in their confessional statement name of the petitioner transpired. It is next submitted that had the informant received firearm injury in that event the same would have been recorded in the order impugned but then from perusal of the order impugned, it manifests that there is no discussion of the injury of the injured. It is also submitted that the informant got treated by a local Doctor namely Dr. Arvind Kumar. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) 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 Ghorasahan P.S. Case No. 68 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The learned trial court shall seek a report from the concerned S.H.O. of the police station that as to whether sister of the petitioner is getting married or not and in the event if the report discloses that sister of the petitioner Kumari Ansu is not getting married to Pankaj Kumar in that event the provisional anticipatory bail shall not be confirmed but if the report records that the sister of the petitioner is getting married with Pankaj Kumar on 11.03.2024 in that event the provisional anticipatory bail shall be confirmed on the same terms and conditions.

8. It is further 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 petitioner despite giving assurance to this Court is not cooperating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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