

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18449 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- BARHARA KOTHI District- Purnia

Vishal @ Vikash S/o Surendra Kumar @ Surendra Rai Resident of Village-
Kadwa Basa, P.S.- Baliya O.P., District-Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 31-07-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Barhara Police Station Case No. 328 of 2023, dated 01.09.2023, disclosing offences under Sections 307/34 of the Indian Penal Code and Section 25 (9) of the Arms Act.
3. The prosecution case, as per the allegation made in the First Information Report, is that on 31.08.2023, around 40 to 50 unknown youth arrived at the temple campus for celebrating the birthday of the petitioner. It has further been alleged that the accused persons assembled in the temple resorted to celebratory firing due to which one Manish Jaiswal sustained gun shot injury.



4. Learned counsel for the petitioner submits that there is no allegation that the petitioner was indulged in celebratory firing and he has been made accused on the basis of the fact that his birthday was being celebrated in the temple campus. The co-accused Manish Jaiswal, who sustained gun shot injury has also been made accused no. 2 in the present First Information Report. He further submits that during course of the investigation, the witnesses have not stated that firing was being made by the petitioner.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has no criminal antecedent and there is no prima facie evidence that the petitioner was indulged in celebratory firing, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Purnia, in connection with Barhara



Police Station Case No. 328 of 2023, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J)

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