

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20689 of 2024**

Arising Out of PS. Case No.-567 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

1. Guddu Roy @ Sujit Kumar S/o Sahdev Sikder R/o vill - Tahsur, P.s. - Jagdishpur, Distt. - Bhagalpur
2. Dhamendra Paswan @ Dharmendra Kumar S/o Jamun Paswan R/o vill - Tahsur, P.s. - Jagdishpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      02-04-2024                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Jagdishpur P.S. Case No. 567 of 2023, registered for the alleged offence under Sections 147, 148, 149, 353, 307, 379, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, and Transportation & Storage) Amendment Rules, 2021.

03. As per prosecution case, the informant received information about illegal excavation of sand and when the police party reached at the spot, the miscreants, who were taking



out sand from the bank of Chanan river, opened fire upon the police party. The three co-accused persons were found firing while running away from the spot and the petitioners and others were also identified by the local chowkidar, as the persons who fled away from the spot.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have been named in this case on the basis of saying of the local chowkidar and the informant has specifically named three co-accused persons, who were firing from their weapons while fleeing away from the spot. Learned counsel further submits that wife of petitioner no. 1 submitted CCTV footage about petitioner no.1 being present at his house during the relevant time, but the police did not acknowledge the same and even taking out of the DVR. Learned counsel further submits that petitioner no. 1 is accused in three more cases, which are of the years 2019 and 2022 whereas petitioner no.2 is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is allegation against the petitioners and other for opening fire against the police party.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioners were made accused on saying of local chowkidar and further considering possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned court in connection with Jagdishpur P.S. Case No. 567 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

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