

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23050 of 2024

Arising Out of PS. Case No.-725 Year-2023 Thana- BUDDHACOLONY District- Patna

CHIKU @ SUMIT PRAKASH Son of Sri Vijay Sharma Resident of
Village/Mohalla-Buddha Colony, B-18, Jyoti Kutir, P.S.-Buddha Colony,
District-Patna-800001.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Sharma

For the Opposite Party/s : Ms. Meena Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 06-08-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 341, 323.
307, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that by
an order dated 01.05.2024, case diary was called for but the
same till date has not reached this Court, as would manifest
from the office report dated 02.08.2024. The Court will not wait
endlessly for the case diary, and thus, proposes to pass order on
merits.
4. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely



implicated in the instant case by the informant. It is next submitted that the informant alleges that on the date of occurrence, he was sleeping in his house, when in the morning in between 1.00-1.30 A.M., his driver asked for keys of the vehicle for loading sand, hence the informant came out of his house to give the key to his driver, when he saw the accused persons including the petitioner demolishing his boundary wall and when the same was protested, they fired, on account of which, his driver fled away. The learned counsel submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that on account of dispute relating to boundary wall, the occurrence is alleged to have taken place. It is next submitted that though there is allegation of firing but then no one was injured. It is thus submitted that the allegation of firing is ornamental in nature.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the case has been instituted under Section 307 of the Indian Penal Code also.

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



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 trial court where the case is pending/successor court in connection with Buddha Colony P.S. Case No.725/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the injury report of the injured and if it is found that the injured has suffered firearm injury, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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