

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20108 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- JAMALPUR District- Munger

1. Chandan Kumar Tanti @ Chandan Kumar Son of Gopal Tanti RESIDENT OF VILLAGE- CHHOTI DAULATPUR, P.S- JAMALPUR, DISTRICT- MUMGER
2. Rakesh Kumar @ Kuddu Son of Bhaso Tanti RESIDENT OF VILLAGE- CHHOTI DAULATPUR, P.S- JAMALPUR, DISTRICT- MUMGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Jamalpur P.S. Case No. 208 of 2023 for the offence registered under sections 307 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 26.10.2023 by the informant, Suman Kumari.

3. As per the prosecution story, the informant alleged that while he was sitting outside her house, the accused persons came armed variously and thereafter when her cousin, Akash Kumar came out, Suraj Kumar Tanti opened fire. Upon hearing the sound of firing, the father came out, the bullets hit him,



causing injuries. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that specific allegation is against Suraj Kumar Tanti of opening fire, nothing has been alleged against these petitioners save and except that they were along with Suraj Kumar Tanti. The last submission is that they do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they were also accompanying Suraj Kumar Tanti when the firing took place.

6. Taking into account the aforesaid facts as also that they do not have criminal antecedent, allegation of firing is against Suraj Kumar Tanti, F.I.R. lodged, will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 208 of 2023 subject to condition as laid down under Section



438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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