

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20905 of 2024

Arising Out of PS. Case No.-914 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

1. Pawan Kumar Son of Rambali Sah Resident of Village- Neuri, P.S.- Ahiyapur, District- Muzaffarpur (Bihar)
2. Pappu Kumar Son of Rambali Sah Resident of Village- Neuri, P.S.- Ahiyapur, District- Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-05-2024 Heard the learned Advocate for the parties.

2. The Petitioners are apprehending their arrest in connection with Ahiyapur P.S. Case No. 914 of 2019 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

3. The prayer for anticipatory bail of the petitioners was earlier rejected by this court.

4. However, later, another person, similarly situated, was granted anticipatory bail by another Bench of this Court in Cr. Misc. No. 4550 of 2024 *vide* order



dated 09.02.2024. Even though it was his second anticipatory bail petition.

5. The learned Advocate for the petitioners on merits has submitted that though the petitioners were named in the FIR as having followed the deceased, where after the informant heard a sound of firing and when he came near the deceased, he took the names of the petitioners. The police after thorough investigation found the accusation against the petitioner to be false. However, differing with the police report, cognizance was taken against the petitioners as well.

6. Hence, the necessity of filing the second anticipatory bail petition after the rejection of the first application.

7. As noted above, since a similarly situated person has been granted anticipatory bail by a Bench of this Court after his first petition was rejected, it would not be appropriate to reject the petition preferred by the petitioners presently.



8. For the afore-noted reason, petitioners are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of two weeks from today, on their furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of the court No. 11 of the learned J.M. 1st Class, Muzaffarpur (East) District Muzaffarpur in connection with Ahiyapur P.S. Case No. 914 of 2019. The Court below shall take an undertaking that they shall participate in the Trial.

9. The petition stands allowed.

(Ashutosh Kumar, J)

manoj/krishna-

U		T	
---	--	---	--

