

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21868 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- WARISLIGANJ District- Nawada

1. Malakh Raut @ Malak Raut Son of Late Kapil Raut Resident of Village- Balwapar, P.S. Warisaliganj, District- Nawada
2. Guddu Raut @ Guddu Prasad @ Guddu Prasad Raut Son of Maharaj Raut @ Yogendra Raut Resident of Village- Balwapar, P.S. Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manmohan Kumar

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seek permission to withdraw the present anticipatory bail application with respect to the petitioner no. 1.

3. Permission is accorded.

4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to the petitioner no. 1.

5. So far as regarding the petitioner no. 2 has preferred this application for grant of anticipatory bail in connection with Warsaliganj P.S. Case No. 28 of 2024, dated



14.01.2024 for the offences punishable under Sections 147, 148, 149, 323, 324, 337, 338, 307 of the Indian Penal Code and Section 27 of the Arms Act.

6. As per the prosecution case, the petitioners and the co-accused persons armed with rifle, gun, pistol started indiscriminate firing on the informant. In the meantime, the petitioner no. 1 Malakh Raut holding pistol was firing which hit below his right eye. The co-accused persons holding lathi-danda came and abusing and threatened to kill if the case was lodged.

7. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. Learned counsel has further submitted that there was free fight between both the parties and both sides sustained injuries. There is case and counter case between the parties. There is no specific allegation of firing against the petitioner no. 2 rather the allegation is general and omnibus in nature. The injuries sustained by the informant and his uncle are found to be simple in nature as per para 11 of the bail petition.

8. Learned APP for the State as well as learned counsel for the informant have vehemently opposed the prayer



for anticipatory bail of the petitioner.

9. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner no. 2, let the above named petitioner no. 2, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Nawada in connection with Warsaliganj P.S. Case No. 28 of 2024, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:

- 1. The petitioner no. 2 is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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