

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23435 of 2024

Arising Out of PS. Case No.-556 Year-2023 Thana- KOILWAR District- Bhojpur

Umashankar Rai @ Sipahi @ Sipahiji Son of Late Juram Rai R/o Village-
Suarmarwa, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-05-2024 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 147, 148, 149,
307 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of 12 cases. It is next submitted that from
perusal of the allegation as alleged in the F.I.R., it would manifest
that informant (police officer) alleges that he received an
information that firing is going on in between the group of Uma
Shankar Rai and Anish Rai in order to establish supremacy over
sand mining, accordingly, the police reached the place of
occurrence and on seeing the police, the accused persons fled and
from the place of occurrence 8 pocklen machines were found in
burnt condition and several fired cartridges were also recovered.



The learned counsel submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that though there is allegation of indiscriminate firing between the two sides but then no one was injured. It is also submitted that the police taking advantage of the antecedent of petitioner falsely implicated him based on secret information.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no doubt no one was injured but then the petitioner carries antecedent of 12 cases and in the event, if anticipatory bail is granted to the petitioner, he may abscond, on which, the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer.

5. 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.50,000/- (Rupees Fifty 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 Koilwar P.S. Case No.556/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



6. Further, one of the bailors of the petitioner shall be his wife Rina Devi.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself as and when required, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner, after recording reason and shall take all coercive steps to ensure that petitioner is behind bar.

8. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order will loose its effect.

9. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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