

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26042 of 2024

Arising Out of PS. Case No.-369 Year-2019 Thana- DIGHA District- Patna

Umashankar Chaudhary S/o- Late Ramji Chaudhary Resident of Kurji PS-
Digha Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Sharma

For the Opposite Party/s : Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-07-2024 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 offences punishable under Sections 341, 323, 324, 506, 307
and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant alleges
that on 28-6-2019 at around 11:30 pm in the night, petitioner along
with six persons came riding on three motorcycles to the house of the
informant, thereafter Rajkumar Choudhary fired upon the informant,
thereafter the petitioner also fired which hit him on the left hand on
account of which he became unconscious, thereafter his family
members came and raised an alarm, when the accused fled and the
informant was asked to get him treated in a hospital.

4. Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the instant case. It is next submitted that from the side of the petitioner, his wife had instituted Digha PS Case No. 416 of 2018 against the informant of the present case and others, and thereafter Digha PS Case No. 533 of 2018 was instituted by the daughter of the petitioner under the POCSO Act. It is also submitted that there is a delay in lodging the FIR, as the occurrence is dated 28-6-2019 and the FIR was instituted on 30-6-2019. The learned counsel further submits that petitioner was not even aware that he has been implicated in a false case by the informant. It is next submitted that the instant FIR was instituted in order to coerce the petitioner into submission so that the aforesaid two cases instituted against him are not pursued by the petitioner. It is also submitted that though there is an allegation that this petitioner fired causing injury to the informant but then there is no injury report on record. It is next submitted that had the informant been shot in that event the hospital would have informed the police but from perusal of allegation as alleged in the FIR, it would manifest that the FIR has been instituted based on a written application of the informant.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is a specific allegation against this petitioner of firing causing fire-arm injury to the informant.

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 trial court 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 Digha P.S. Case No. 369 of 2019, 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 informant and in the event if it is found that informant received fire-arm injury in that event the present anticipatory bail order shall not be given effect to, but if the informant has not received any fire-arm injury, in that event, the bail bonds of the petitioner shall be accepted forthwith.

(Satyavrat Verma, J)

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