

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27393 of 2024**

Arising Out of PS. Case No.-307 Year-2023 Thana- ALAMGANJ District- Patna

Amit Kumar @ Anil Kumar @ Anit Kumar S/o- Rajendra Rai Mohalla-  
Alamganj Chouki Ps- Alamganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Purushotam Sharma, Adv

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      20-07-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Alamganj P.S. Case No- 307 of 2023 for the offence registered under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code & Section 27 of the Arms Act lodged on 10.04.2023 by the informant, Ankur Sinha.

3. As per the prosecution story, the informant alleged that when he had gone to purchase bread, the accused persons along with unknown persons surrounded him and thereafter Pankaj and Vicky Kumar took out pistol. Though the victim tried to escape, they opened fire injuring his left leg. As the public started assembling, they left the place after opening fire in the air. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that a bare perusal of the FIR shows that allegation of opening fire is on Pankaj and Vicky Kumar and at the fag end of the FIR, it has only been incorporated that the informant having dispute with the cow shed owners, the petitioner is having relationship with the said people. He submits that the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that on minor issue, there was opening of fire. The shots were fired by Pankaj and Vicky Kumar.

6. Admittedly, the allegation mainly is against Pankaj and Vicky Kumar, there is allegation of unlawful assembly against some named accused and the petitioner's name has come at the fag end of the FIR, no role has been attributed and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, 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 ACJM-16, Patna City in connection with Alamganj P.S. Case No. 307 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/relative of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner 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 his/her bail bond by the Trial court itself;

(iii) the petitioner 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 his bail bonds;

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

**(Rajiv Roy, J)**

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