

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27441 of 2024

Arising Out of PS. Case No.-425 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

AMAR KUMAR S/O SUNIL SAH R/O VILLAGE- MAHESHPUR, P.S-
BABARGANJ (MOJAHIDPUR), DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mojahidpur (Babarganj) P.S. Case No. 425 of 2023 for the offence under Sections 341, 323, 307, 504, 506 and 34 of the I.P.C. and Section 27 of the Arms Act lodged on 24.12.2023 by the informant, Aditya Sen.

3. As per the prosecution story, the informant alleged that in the evening when he was standing in the colony, Mukesh Pal came, abused and as the villager intervened, the matter was settled. Later, when his brother was going for repairing the four-wheeler, Mukesh Pal and other accused persons firstly abused and then Mukesh Pal opened fire causing injury, taken to Mayaganj Hospital and then to PMCH, Patna. This followed the FIR.



4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the allegation of opening fire is on Mukesh Pal, the presence of this petitioner has been shown but no overt act alleged. The last submission is that he do not have any criminal antecedent..

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submissions as also the fact that the allegation is against Mukesh Pal and he is a young boy with no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 425 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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 the bail bonds;

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

(Rajiv Roy, J)

Adnan/-

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