

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31353 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Sanjay Sah @ Sanjay Kumar Son Of Lakshman Sah Resident Of Village-
Bairiya, Kolhua Paigamberpur, Purani Motihari Road, P.S.- Ahiyapur, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pradeep Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2024 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Ahiyapur (Muzaffarpur) P.S. Case No. 46 of 2023,
registered for the offences punishable under Sections 324, 326,
337 and 307/24 of the Indian Penal Code and Sections 25(1-b)a,
35 and 27 of the Arms Act.

3. Allegedly, while the informant was going to his
home, in the meantime, all the FIR named accused persons
including the petitioner along with 10-15 unknown persons
surrounded the informant and started firing bullets. It is
specifically alleged that the petitioner was engaged in firing
with his pistol in air, whereas co-accused *Golu Dubey* fired on



the thigh of the informant. It is also alleged that other persons were engaged in pelting stones and bricks.

4. Learned Advocate for the petitioner drawing the attention of this Court to the FIR contended that there is no allegation that the petitioner anyway assaulted the informant. Specific allegation has been levelled against *Golu Dubey*, so far the petitioner is concerned, there is allegation that he was indulged in firing in the air. The FIR has been instituted on the premise of a land dispute, the details of which have elaborately stated in paragraph nos. 15, 16 and 17 of the application. Drawing the attention of this Court to the seizure list, it is also contended that surprisingly the seizure list has been prepared on 12.01.2023, though the present FIR has been instituted on 13.01.2023 and, as such, the entire prosecution case appears to be concocted. It is lastly contended that the petitioner has one criminal antecedent, however, the same is also on account of a land dispute between the informant and the petitioner's family. The wife of the petitioner has also instituted an FIR against *Ram Kishore Gupta* and others vide Annexure-3.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner has actively participated in the crime and made



indiscriminate firing.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the admitted position that no injury is attributable to the act of the petitioner and the factum of the long standing dispute between the parties, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur (Muzaffarpur) P.S. Case No. 46 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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