

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34144 of 2024

Arising Out of PS. Case No.-120 Year-2023 Thana- BAGENGOLA District- Buxar

ABHITESH KUMAR @ AMITESH KUMAR @ AMITESH @ ABHISHEK
KUMAR SON OF JITENDRA RAI @ JITENDRA RAI BAHADUR
RESIDENT OF VILLAGE - BARADHI, P.S. - BAGENGOLA, DISTRICT -
BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Shankar Pathak
For the Opposite Party/s	:	Mr.Binod Kumar
For the Informant	:	Mr.Suraj Deo Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 22-11-2024 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioner is apprehending his arrest in connection with Bagengola P.S. Case No. 120/2023 registered for the offences punishable under Sections 147, 148, 341, 323, 379, 149, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others armed with rifle, iron rod, danda assembled and on the instigation of co-accused Jitendra Rai and Binda Devi, petitioner is said to have fired from rifle upon the informant but he knelt down to save himself and the bullet hit the wall. It is further alleged that gold chain (2 bhar) and several articles amounting to Rs. 1,30,000/-



(including Rs. 30,000/- in cash) were snatched by them. Thereafter, they also started assaulting the informant. When the informant's son came to save him, co-accused Alok Kumar and Jitendra Rai assaulted the informant's son as a result of which he sustained injury on his head, back and face. Further, co-accused Alok Kumar slapped the informant's daughter and snatched gold chain (1.5 bhar) amounting to Rs. 30,000/- from her neck.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that though, FIR has been registered under Sections 147, 148, 341, 323, 379, 149, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act but no firing material was found at the place of occurrence. He further submits that charge-sheet has been submitted under section 341, 323, 504, 506, 34 of the IPC and 27 of the Arms Act. Except, Section 27 of the Arms Act, all sections are bailable in nature. He further submits that Title Suit No. 303/2020 is pending between the parties before the competent court. He further submits that the cases in which title suit is pending, facts are generally exaggerated to make the offence graver. There is case and counter case between the parties on the same date of occurrence.

5. The learned A.P.P. for the State as well as learned



counsel for the informant opposed the prayer for anticipatory bail of the petitioner by submitting that there is allegation against the petitioner is said to have fired from his own rifle.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Vth, Buxar in connection with Bagengola P.S. Case No. 120/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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