

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45540 of 2024

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

Aniket Kumar Son of Deepak Sah, R/o Village -Kolhua Paigambarpur Bairiya
PS -Ahiyapur District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-07-2024 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 307/34 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. During the course of firing, one bullet fired by co-accused *Golu Dubey* hit 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*. 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 further contended that one co-accused namely, Sanjay Sah @ Sanjay Kumar, against whom there is allegation of aerial firing, has been allowed the privilege of anticipatory bail by this Court vide order dated 19.07.2024 passed in Cr. Misc. No. 31353 of 2024. The petitioner bears fair antecedent.

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

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, coupled with the fact that the petitioner bears fair antecedent and similarly situated co-accused has been allowed



the privilege of anticipatory bail, 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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