

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39348 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- MADHUBAN District- East Champaran

1. Raj Kumar Sah S/O Late Yodha Sah R/O Village- Madhuban, P.S- Madhuban, Distt.- East Champaran.
2. Sanjay Sah @ Sanjay Kumar S/O Late Yodha Sah R/O Village- Madhuban, P.S- Madhuban, Distt.- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Ms.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-10-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504 and 506/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of one case and the informant alleges that Amrendra Kumar and Deepak Kumar surrounded her husband and started abusing, on protest, Deepak caught hold of her husband and Amrendra fired on account of which, her husband sustained gunshot injury.



4. The learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the instant case on account of previous enmity. It is next submitted that from perusal of the FIR, it would manifest that the FIR is in two parts and in the first part, it is alleged that Deepak and Amrendra surrounded the husband of the informant and Amrendra fired causing gunshot injury, but in the second part, it is alleged that the occurrence was committed on account of dispute of her husband with these petitioners and Sanjay as they had earlier also tried to kill him for which Madhuban P. S. Case No.196 of 2022 has been instituted. The learned counsel for the petitioners submits that it absolutely does not stand to reason that if the petitioners had any intention of getting the occurrence committed, then they would never have taken help of such accused, who were known to the informant and her husband, which amply demonstrates the falsity of the allegation. It is also submitted that petitioners are not alleged to have fired nor they were present at the place of occurrence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ms. Priyanswi Singh, the learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Madhuban P. S. Case No.96 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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