

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36861 of 2024

Arising Out of PS. Case No.-333 Year-2023 Thana- GARKHA District- Saran

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1. Omnath Ram Son Of Ganpat Ram Village- Telpa Ps- Nagar (CHAPRA), Dist- Saran
 2. Amarnath Ram @ Amarnath Das Son Of Ganpat Ram Village- Telpa Ps- Nagar (CHAPRA), Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 326, 504, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the allegation against the petitioners is that they fired upon the informant and Manoj Ram.

4. Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioner no. 1, but he fairly submits that the allegation against petitioner no. 2



is of firing upon the Manoj Ram, who has sustained gun shot injury. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner no. 1, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Garkha P.S. Case No. 333 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Considering the facts and circumstances of case and the fact that there is specific overt act against the petitioner no. 2, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of the petitioner no. 2 is hereby rejected.

7. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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