

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46083 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- BHAGWANPUR District- Begusarai

Niraj Yadav @ Niraj Kumar @ Niranjan Kumar S/o Dinesh Yadav R/o
Village-chakkarpar, P.S.-Bachhawara, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 104 of 2024 for the offence under Sections 341, 323, 307, 324, 379, 385, 504, 506 and 34 of the I.P.C. read with Sections 25(1-B)(a), 26, 27 and 37 of the Arms Act lodged on 19.04.2024 by the informant, Chandan Kumar Yadav.

3. As per the prosecution story, the informant alleged that after attending the community feast, there was some altercation with the accused persons and later on, they came to his house and allegation against this petitioner is of having opened fire. The informant anyhow saved himself. It is further alleged that Mithilesh Kumar and Subodh Ray gave *Khanti* blow, causing injury on the thigh and forehead and further

allegation of snatching gold chain is there. Again, when his cousin brother came to the rescue, Prem Lal Yadav, Dinesh Yadav and Dhiraj Yadav assaulted him by rod causing injury. As the police came, the pistol was handed over and the injured taken to Sadar Hospital, Teghra, Begusarai. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits it is a counter blast to the earlier case lodged by them in which injury was sustained by the petitioner's side also. He further submits that in any case, allegation against him is of having opened fire, which did not hit the informant. The last submission is that the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that after the community feast, firstly they abused and then they went to the house of the informant and assaulted.

6. Taking into account the fact that the allegation of assault is on other persons/accused, allegation against this petitioner is of having opened fire, which did not hit the informant, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the

receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Bhagwanpur P.S. Case No. 104 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty

to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory
bail application is allowed.

(Rajiv Roy, J)

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