

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43894 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- MUNGER MUFFASIL District- Munger

Sri Niwas Sah @ Sri Niwas Son Of Sri Keshav @ Kesho Sah Village-
Tikarampur, P.S.- Muffasil, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Sah

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 20-11-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.
3. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that his father was shot by the accused persons including the petitioner but then from perusal of the postmortem report, annexed as Annexure-2 to the anticipatory bail application, it would manifest that the same does not even remotely suggest that the deceased died on



account of gun shot injury rather records that cause of death was due to septicemic shock due to infection of brain matter.

4. Learned counsel appearing on behalf of the informant does not dispute the said submission of the learned counsel appearing on behalf of the petitioner but then submits that the FIR was instituted on the date of occurrence itself wherein it was specifically alleged that father of the informant received two gun-shot injuries on account of firing made by the accused persons and he was being treated in National Hospital, Munger. It is further submitted that during the course of treatment, the father of the petitioner was referred to Kalpana Nursing Home, Begusarai, for better treatment where he died during the course of treatment after two months of the occurrence. It is next submitted that though in the case diary, it has not come that father of the informant received any gun shot injury, but then police adopted a lackadaisical approach in investigating the case. It is fairly submitted that the FIR does not specifically allege against the petitioner that it was petitioner who shot causing gun-shot injury. It is next submitted that petitioner and the deceased are agnates and are having dispute relating to property but then there is a specific allegation against all the accused persons of causing fire-arm injury to the father



of the informant.

5. It is next submitted by learned counsel appearing on behalf of the informant that the case was earlier taken up on 30-7-2024, when no coercive action against the petitioner was directed on the ground that petitioner is a person with clean antecedent, as pleaded at Para-3 of the anticipatory bail application, but then petitioner has not approached this Court with clean hands as petitioner has antecedent of one case. It is next submitted that till date no supplementary affidavit has been filed to rectify the pleadings made at para-3 of the anticipatory bail application, which amply demonstrates the conduct of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Muffasil P.S. Case No.15 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that the petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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