

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47768 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- BRAHMPUR District- Buxar

Jitendra Sah S/o Late Rameshwar Sah R/o vill - Chandrapura, P.O. -
Hathilpur, P.S. - Brahmpur, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 149,
341, 323, 325 and 307 of the Indian Penal Code and Section 27
of the Arms Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and the informant alleges
that on 16.03.2024 at 09:20 a.m. while he was collecting bricks
and stones at his construction site of the house when all the
accused persons came variously armed and assaulted him,
further, petitioner fired from his country made gun but missed
and other accused attacked the informant with lathi, danda and
spear, further in the occurrence, Dharendra Sah along with Vicky
Sah got injured and Prince Kumar sustained injury on his head.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of allegation as alleged in the FIR, it would manifest that petitioner is not alleged to have assaulted but then he is alleged to have fired but then no one was injured in the firing, as such, it is submitted that the allegation of firing has been alleged only to give seriousness to the case.

5. The learned APP, Shri Chandra Bhushan Prasad opposes the anticipatory bail of the petitioner and submits that petitioner has antecedent of two cases and is alleged to have fired, but then missed, but then it is submitted that the case has also been instituted under the Arms Act and in the event, if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond or tamper with the evidence, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence that he had not fired nor any cartridge was recovered from the place of occurrence.

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 Brahmpur P.S. Case No. 139 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his wife wife Suman Devi, as would manifest from Annexure-2 to the anticipatory bail application as the wife of the petitioner, i.e., Suman Devi, instituted the counter-case.

8. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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