

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44780 of 2024

Arising Out of PS. Case No.-1037 Year-2023 Thana- BIHTA District- Patna

1. Neeraj Kumar @ Neeraj Kumar Singh Son Of Babban Singh @ Ram Bachan Singh Village- Bindaul, P.S.- Bihta, Distt.- Patna
2. Amit Kumar Son Of Babban Singh @ Ram Bachan Singh Village- Bindaul, P.S.- Bihta, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bihta P.S. Case No. 1037 of 2023 registered for the offences punishable under Sections 147, 148, 149, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the accused persons including the petitioners is of firing with a country made pistol upon the Informant but, he escaped narrowly. Two empty cartridges were also alleged to have been recovered from the place of occurrence.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case due to village politics and enmity with the Informant. The present case has been filed by the Informant with a view to save skin from a case bearing Bihta P.S. Case No. 637 of 2019 lodged by the co-accused, naemly, Monu Kumar against the Informant of this case. There is an unexplained delay of three days in filing of the present case. There is no allegation of firing attributed against the petitioner. The Informant has not sustained any injury and the allegation made against the petitioners is general and omnibus in nature. Nothing incriminating has been found from the conscious possession of the petitioners. There is also no independent witness to the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have two criminal antecedents as has been stated in paragraph no.3 of the present anticipatory application.

5. Learned counsel for the petitioner further submits that the co-accused, namely, Vikash Kumar @ Vikash Singh, has been enlarged on anticipatory bail by this Court *vide* order dated 28-06-2024, passed in Cr. Misc. No. 30323 of 2024.



6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners, submitting that the petitioners is the named accused in the F.I.R. and also have criminal antecedents.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioners and there being no specific allegation against the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Bihta P.S. Case No. 1037 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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