

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45141 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- WARISLIGANJ District- Nawada

Malakh Raut Son of Late Kapil Raut Resident of Village- Balwapar, P.S.-
Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 20-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Warisaliganj P.S. Case No. 28 of 2024 dated 14.01.2024 registered for the offences punishable u/ss 147, 148, 149, 323, 324, 337, 338 307 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons armed with rifle, gun, pistol started indiscriminate firing on the informant when he was talking with his cousin uncle, namely, Subhash Kumar. In the meantime, the petitioner holding pistol was firing. The informant sustained injury below his right eye while fleeing. His cousin uncle also

sustained injury in his left thigh. The co-accused persons holding *lathi, danda* came and abused and threatened to kill him, if the case was lodged.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. There is a case and counter case between the parties. Learned counsel has further submitted that there was free fight between both the parties and both sides sustained injuries. The injuries sustained by the informant and his uncle are found to be simple in nature as per para 11 of the bail petition. The petitioner has one criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner by submitting that the injury sustained by Subhash Kumar is grievous in nature.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to

the satisfaction of the learned court concerned, Nawada in connection with Warisaliganj P.S. Case No. 28 of 2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition:-

1. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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