

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54414 of 2024

Arising Out of PS. Case No.-194 Year-2023 Thana- BARGAINIA District- Sitamarhi

Chandragupt @ Chandragupta Son of Manoj Sah Resident of Vill- Pachtaki
Yadu, Bairgania, Ward No. 14 P.S.- Bargania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Adv.
For the Opposite Party/s	:	Mr.Binod Kumar, APP
For the Informant	:	Mr.Devendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-11-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 307 of the IPC and section 27 of
the Arms Act and subsequently, section 302 IPC was added.

3. Allegedly, the husband of the informant proceeded to
participate in farewell ceremony of B.D.O., Mejorganj in a
vehicle driven by the petitioner and returned in injured
condition. He disclosed the cause of injury due to crackers but
thereafter, his condition deteriorated and he was admitted in the
hospital and during operation, a pellet was found in his
abdomen. In course of treatment, he died and the informant
lodged the F.I.R., stating to inquire about the entire occurrence



from the petitioner, who was accompanying the deceased.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the deceased, when was in injured condition, has not disclosed the name of petitioner nor he has alleged of any fire arm injury to have been caused by the petitioner. Further, the petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the process u/s 82 Cr.P.C. has been issued against the accused persons and submits that the present anticipatory bail application is not maintainable in view of the judgment rendered by the Apex Court in the case of ***Srikant Upadhyay & Ors. v/s State of Bihar & Anr. (Special Leave Petition (Crl.) No.7940 of 2023)***.

6. Having gone through the judgment cited above, it is apparent that the present anticipatory bail application has been filed on 24.07.2024 while the process u/s 82 Cr.P.C. has been



issued after filing of this anticipatory bail application before this Court, which fact has not been denied by learned counsel for the informant. Therefore, the anticipatory bail application is maintainable, in view of the aforesaid judgment.

7. Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioner to fire upon the deceased, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Bairginiya P.S. Case No.194 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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