

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47743 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- SAMASTIPUR District- Samastipur

Vijay Rai @ Vijay Kumar Son of Devendra Ray Resident of Vill-
Dharmagatpur Bathua, P.S.- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Town P.S. Case No. 227 of 2023 registered for the offences punishable under Sections 324, 326, 307, 120B, 34 of the Indian Penal Code and Sections 25(1-B)A, 26, 27, 35 of the Arms Act.

3. The prosecution case, in short, is that accused persons of different cases were being brought for production in the Court and during the course of returning, some miscreants started firing which hit two of the accused persons, as a result they sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case due to malice, enmity and grudge. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of the co-accused Shashi Ranjan Thakur @ Golu who has already been granted bail by a Co-ordinate Bench of this Court vide order dated 23.01.2024 passed in Cr. Misc. No. 984 of 2024. The petitioner was not apprehended at the spot. He further submits that nothing incriminating has been recovered from his conscious possession. Except confessional statement of the co-accused, nothing has come against the petitioner in the entire record of the case. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present application but, in both of them, he is on bail. The petitioner has no concern with the alleged occurrence or the co-accused persons.

5. Learned counsel for the petitioner further submits that the co-accused Md. Obes Khan @ Md. Obaish Khan has been granted regular bail by this Court vide order dated 15.02.2024 passed in Cr. Misc. No. 6499 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the



learned counsel for the petitioner, let the petitioner above-named, in the event of his 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 Town P.S. Case No. 227 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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