

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49607 of 2024

Arising Out of PS. Case No.-201 Year-2023 Thana- CHARPOKHARI District- Bhojpur

1. Kailash Pathak, Son Of Lakshmi Pathak Village- Thakuri, P.S.- Piro, Distt.- Bhojpur
2. Ashok Pathak, Son Of Lakshmi Pathak Village- Thakuri, P.S.- Piro, Distt.- Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Ranjan

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 323, 307, 385 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of three cases and petitioner no.2 has antecedent of one case and the informant alleges that he along with Abhay Pathak on orders had gone to remove Gym equipments in the school, when the accused persons including the petitioners came and threatened not to remove the



equipments. Further, Ambuj Pathak fired, but missed and the informant fled, but the accused caught and assaulted Abhay.

4. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of firing is ornamental as no one was injured and as far as allegation of assaulting Abhay is concerned, the same is general and omnibus in nature. It is also submitted that informant is not an eye witness to the occurrence as he himself in the F.I.R. alleges that after Ambuj fired, he fled from the place of occurrence. It is also submitted that had Abhay been assaulted, he would have instituted the instant F.I.R. It is next submitted that even order impugned does not record about the nature of injury, which amply demonstrates that no one was injured.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P. S. Case No.201 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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