

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55698 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- KAKO District- Jehanabad

-
1. Pintu Kumar @ Rakesh Ranjan Son Of Lalendra Yadav Village- Ghuran Bigha, Ps- Kako, Dist- Jehanabad
 2. Mantu Kumar Son Of Birendra Yadav Village- Ghuran Bigha, Ps- Kako, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar, Advocate
For the State	:	Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners, learned APP for the State and learned counsel appearing on behalf of the informant.

2. The petitioners are apprehending their arrest in connection with Kako P.S. Case No. 89 of 2024 for the offence under Sections 147, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act lodged on 23.03.2024 by the informant, Guddu Kumar.

3. As per the prosecution story, the informant alleged that there was issue of movement of motorcycle on the cricket pitch and the informant called the petitioner, Mantu Kumar over phone to convince him but the same was disconnected. As he



went there in the evening to pacify the matter, allegation is that all the accused persons including the two petitioners herein resorted to firing. The further allegation is that the accused Abhishek Kumar @ Harkha opened fire which hit his right thigh, got injured, taken to Primary Health Centre, Ghoshi and then to Sadar Hospital, Jehanabad, to the P.M.C.H, Patna and finally to Hitech Hospital, Danapur, Patna. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that specific allegation is against Abhishek Kumar @ Harkha and only to implicate the allegation is of opening of fire attributed against these two petitioners. He submits that both are young boys, students having no criminal antecedent.

5. Learned counsel for the informant on the other hand submits that allegation of opening fire is against all of them though it is specific against Abhishek Kumar @ Harkha causing the injury on the right thigh of the informant.

6. Learned APP too opposes the prayer.

7. Considering the fact that the allegation mainly is against Abhishek Kumar @ Harkha, though, allegation of firing is there no injury has attributed, these two petitioners have no criminal antecedent, this Court is inclined to extend him the



privilege of anticipatory bail.

8. However, if it is found that contrary to the submissions made in paragraph no.3 of the petition if any of the petitioners has criminal antecedent with respect to that the order shall become infructuous.

9. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jehanabad, in connection with Kako P.S. Case No. 89 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/her bail bonds.

(Rajiv Roy, J)

vinayak/-

U			
---	--	--	--

