

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54126 of 2024**

Arising Out of PS. Case No.-323 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Annu Mishra @ Prabhat Prakash Garg S/O Raj Kishore Singh R/O Mohania
Chowk, Thana Road, P.S- Gopalganj, Distt.- Gopalganj (BIHAR).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyanka Singh
For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-08-2024 1. Heard learned Senior counsel for the petitioner Mr. Yogesh Chandra Verma and learned A.P.P. along with the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code.
3. Learned Senior counsel for the petitioner submits that petitioner has antecedent of 8 cases and the informant alleges that he had come to his ancestral village with his family after four months and went to buy some article, when he was intercepted by the accused persons including the petitioner and was threatened to vacate the house, further, Annu Mishra (petitioner) threatened with gun, and thereafter, the accused



persons assaulted him, further, he fled from the place of occurrence and reached his house, and thereafter, fired from his licensee rifle, in self defence when Mannu Mishra attacked his son by knife.

4. The learned Senior counsel submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner and informant are own cousin brother, as father of the petitioner and the father of the informant are own brother and are having dispute relating to land, for which, T.S. No.986/2019 is pending adjudication between the parties in the court of learned Sub-Judge-IV, Gopalganj. It is next submitted that Gopalganj P.S. Case No.324/2024 has been instituted by the brother of the petitioner against the informant and his side. It is also submitted that the case was not instituted under the Arms Act, as such, the allegation that petitioner fired is ornamental. It is also submitted that informant deliberately instituted the F.I.R. concealing the relationship to give an impression as if criminal had intercepted him and was threatening him to vacate the house. It is also submitted that though it is alleged that Mannu Mishra assaulted the son of the informant by knife but then the F.I.R. does not even remotely suggest that the son of the informant received any knife injury.



5. Learned A.P.P. and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner. The learned counsel for the O.P. No.2 is not in a position to rebut the submission of the learned Senior counsel appearing on behalf of the petitioner that petitioner and the informant are cousin brother and concealing the said relationship the F.I.R. was instituted but then submits that petitioner has not approached this court with clean hands, it is submitted that at para-3 it has been pleaded that petitioner has antecedent of 8 cases when he has antecedent of 11 cases.

6. Considering the submissions made by the learned counsel for the petitioner, 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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gopalganj P.S. Case No.323/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal



antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than 8 cases, in that event, the present anticipatory bail order shall not be given effect to.

8. Let a copy of this order be sent to the Superintendent of Police, Gopalganj for its perusal so that the criminal antecedent of the petitioner is sent to the court at the earliest.

(Satyavrat Verma, J)

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