

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54339 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- BHAGWANPUR District- Begusarai

Chhotu Malakar @ Chhotu Kumar S/o Visheshwar Malakar Resident of Vill-
Harichak PS- Bhagwanpur, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Bijay Bhushan Prasad, Adv.
For the Opposite Party/s :	Mr.Jitendra Kumar Singh, APP
	Mr. Braj Bhusan Poddar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bhagwanpur P. S. Case No. 348 of 2023 dated 16-12-2023
instituted for the offence punishable under Sections 341,323,
504, 506, 307, 379 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. The prosecution case, in short, is that accused
Shivam Kumar came at the door of the informant armed with
pistol and told him to leave the house and started abusing him.
When the informant objected, Shivam Kumar caught his collar
and started firing due to which one bullet hit on his right thigh
while another bullet passed touching his head causing injury on



his head. It is further alleged that accused Kumar Vivek directed the accused Shivam Kumar on his phone to kill the informant and his entire family. Thereafter, all the accused named in the FIR along with some unknown persons armed with firearms came there and started abusing and made indiscriminate firing, as a result of which, some villagers sustained gun shot injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Further submission is that there is specific allegation against co-accused, namely, Shivam Kumar, who fired at the informant. There is nothing specific against the petitioner, rather, allegation against the petitioner is general and omnibus. The injured persons have not disclosed the name of the petitioner. The petitioner does not belong to the family of the informant and co-accused, namely, Shivam Kumar and Kumar Vivek. Further, similarly situated persons, namely, Sudhanshu Kumar @ Sudhanshu Chaurasia has been granted the privilege of anticipatory bail by this Court *vide* order dated 31-07-2024 passed in Cr. Misc. No. 28364 of 2024. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned counsel for the informant and learned APP have opposed the prayer for anticipatory bail. It is submitted



that there is allegation against the petitioner and other co-accused persons of making indiscriminate firing.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai, in Bhagwanpur P. S. Case No. 348 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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