

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58916 of 2024

Arising Out of PS. Case No.-46 Year-2012 Thana- KAJRA District- Lakhisarai

Gopal Kumar, Son of Sri Fulendra Singh R/o Village- Pokhrama, P.S.- Kajra,
District- Lakhisarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Ms.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 147, 148, 149, 302 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and the informant
alleges that the accused persons came on his land and Dilasan
Kumar Singh fired causing injury to his son and thereafter,
Pawan Kumar Singh and Indrasen Kumar @ Ripu Kumar fired
indiscriminately and the injured was brought to the hospital.

4. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case. It is



next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of committing any overt act is alleged against the petitioner. It is next submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus, submitted final form in the Year 2016 exonerating the petitioner of the offence, but the learned trial Court differing with the police report took cognizance by an order dated 02.01.2023, thus petitioner apprehends his arrest. It is next submitted that when one investigating agency after carrying threadbare investigation has come to a considered conclusion that petitioner is innocent, whether it would be prudent for the Court to send the petitioner to jail at this stage based on an order of cognizance, which came to be taken based on the same police report which found the petitioner innocent.

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

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J. M., 1st Class, Lakhisarai in connection with Kajra P. S. Case No.46 of 2012, 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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