

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57505 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- KOILWAR District- Bhojpur

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Raj Kishor Rai Son of Suryadev Rai Resident of Village - Pachrukhiya
(Rajapur), P.S.- Koilwar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 01-10-2024 Heard learned counsel for the petitioner as well as
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, 341, 307, 506 of the IPC and Section 27 of the Arms Act in connection with Koilwar P.S. Case No.106 of 2024.

3. The learned counsel for the petitioner submits that petitioner at the time of filing of the anticipatory bail application was a person with clean antecedent, but after filing of the instant anticipatory bail application he came to be implicated in two criminal cases, as such he has antecedent of two cases as of



date.

4. It is next submitted that the informant alleges that the petitioner along with Guddu Kumar is involved in illegal sand mining and they often use their private land for committing the occurrence by bringing sand on their tractor on account of which his crops gets damaged. It is next alleged that on 24.02.2024, informant was fencing his land so that the tractors could be stopped when 10-15 accused persons arrived and started abusing and thereafter petitioner and Guddu made several round of firing, as such the informant fled to save his life and came after sometime and recovered five used cartridges of .315 bore.

5. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant. It is next submitted that though it is alleged that petitioner is involved in illegal sand mining, but then at the time of filing the instant anticipatory bail application he was a person with clean antecedent which negates the allegation that he was involved in sand mining prior to institution of the instant FIR, it is next submitted that on account of dispute relating to land, the present false case came to be instituted. It is further submitted that though there is allegation of indiscriminate firing, but then



no one was injured nor informant received any firearm injury, it is further submitted that in order give seriousness to the case, it is alleged that five used cartridges were recovered from the place of occurrence when the same was not recovered by the police, which casts an aspersion on the case of the prosecution. It is further submitted that on intervention of well-wishers both the parties have compromised as would manifest from compromised dated 22.04.2024 (Annexure-P/2 to the supplementary affidavit).

6. The learned APP opposes the anticipatory bail application.

7. 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.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No.106 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, the learned Trial court before accepting



the anticipatory bail bonds of the petitioner shall verify about the genuineness of the compromise and in the event, if the informant disputes the compromise, in that event, the present anticipatory bail order shall not be given effect to.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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