

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60305 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- PARBATTa District- Khagaria

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1. Rishi Sahni Son of Phuldeo Sahni village- Kulharia, Ps- Parbatta, Dist- Khagaria
 2. Ramkesh Kumar @ Ramkesh Sahni son of Chhathu sahni village- Kulharia, Ps- Parbatta, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 504, 307, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and the informant alleges that on 18.05.2024, while he was at his diary, collecting milk when the accused persons including the petitioners came in an intoxicated condition and started demanding money, the



informant protested, on protest being made by the informant it is alleged that both the petitioners took out the pistol and fired, but missed, it is further alleged that thereafter family members of the informant chased the petitioners, as they tried to flee after firing, but Rishi was caught and two used cartridges were found in his pocket and accordingly the police was informed.

4. The learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case by the informant. It is also submitted that though there is allegation of firing, but then no one was injured, it is also submitted that it absolutely does not stand to reason that if the petitioners had fired two cartridges, then how empty cartridge would have been recovered from the pocket of Rishi, rather it ought to have been recovered from the place of occurrence, but then, it is not the case. It is also submitted that no doubt, the informant relies on CCTV footage, but then, in the CCTV footage, it does not appear that the persons standing there, were firing or keeping guns.

5. The learned APP for the State opposes the anticipatory bail application and submits that CCTV footage has been made part of the FIR and from perusal of the same, as alleged, it is alleged that petitioners are present at the place of



occurrence. It is also submitted that if petitioners are granted the privilege of anticipatory bail, the petitioners may abscond or try to tamper with the evidence, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

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. 25,000 /- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Khagaria in connection with Parbatta P.S. Case No. 189 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. One of the bailor of the petitioners shall be their respective fathers, Phuldev Sahni and Chhathu Sahni.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, is not cooperating in the



investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

10. The application stands allowed.

(Satyavrat Verma, J)

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