

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69489 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- FATUA District- Patna

1. SONU KUMAR @ SON KUM Son of Kailu Prasad Resident of Village-Chakpitambarpur, P.S.-Fatuha, District-Patna.
2. KAILU PRASAD @ KAILU SINGH @ KALLU PRASAD @ YAGVIR SINGH Son of Late Damru Singh Resident of Village-Chakpitambarpur, P.S.-Fatuha, District-Patna.
3. BIJENDRA PRASAD @ BILLA PRASAD @ BIJENDRA SINGH Son of Late Damru Singh Resident of Village-Chakpitambarpur, P.S.-Fatuha, District-Patna.
4. MUKESH PRASAD @ MUKESH KUMAR Son of Bijendra Prasad Resident of Village-Chakpitambarpur, P.S.-Fatuha, District-Patna.
5. RAM PARVESH PRASAD Son of Bijendra Prasad Resident of Village-Chakpitambarpur, P.S.-Fatuha, District-Patna.
6. KOUSHAL KUMAR Son of Parmanand Prasad Resident of Village-Chakpitambarpur, P.S.-Fatuha, District-Patna.
7. DHARMENDRA PRASAD @ DHARMENDRA KUMAR Son of Doman Prasad Resident of Village-Chakpitambarpur, P.S.-Fatuha, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 13-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of Arms Act.



3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and they came to be falsely implicated in the instant case by the informant. It is next submitted that the informant alleges that his mother contested for the post of *Up-Pramukh*, which was held on 31-12-2021, but in the said election Rajnish Kumar was declared elected and thereafter supporters of Rajnish Kumar came to the house of the informant and started bursting firecrackers and thereafter it is alleged that Sonu Kumar and Kailu Prasad made indiscriminate firing in the air.

4. The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to election, the present false case came to be instituted implicating the supporters of Rajnish Kumar. It is next submitted that since the petitioners had supported Rajnish in the election of *Up-Pramukh*, hence the informant implicated them in the instant case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would further manifest that though there is allegation of firing but then no one was injured nor any injury was caused to any person. It is also submitted that the allegation of indiscriminate firing has been alleged in order to give serious



color to the case, when no cartridge was recovered from the place of occurrence. It is further submitted at the cost of repetition that petitioners are persons with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 Fatuha P.S. Case No. 16 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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