

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64952 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- KOTWALI District- Patna

Sandeep Kumar @ Sandeep Mukhiya Son of Shushil Kumar @ Pappu
Sharma Resident of Village - Sorangpur, P.S. - Dulhin Bazar, District - Patna
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :		
For the Petitioner/s	:	Mr. Amresh Kumar, Advocate
For the State	:	Mr. Shailendra Kumar, APP
For the informant	:	Mr. Ashok Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioner apprehends arrest in connection with
Kotwali P.S. Case No. 41 of 2024 dated 15.01.2024 instituted for
the offence punishable under Sections 147, 148, 149, 452, 307,
427, 504 of the Indian Penal Code and Section 27 of the Arms
Act.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence, when the informant along with his
friends was staying at Krishna Chetna Parishad at Daroga Prasad
Rai Path in Patna, then the petitioner along with six named
accused persons and 20-25 unknown persons jumped the boundary
wall with intention to kill and started firing indiscriminately. It is
further alleged that they badly damaged the scorpio vehicle of the



informant bearing Registration No BR01FW-6918. The reason attributed for the occurrence is that informant's wife Rekha Devi is a member of Panchayat Samiti Akshua Rakasiya Panchayat and she had brought a no confidence motion against the present Block Pramukh.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is no specific allegation of firing against the petitioner. There is general allegation of firing against the accused persons including the petitioner. No person has received any injury in the present occurrence. Learned counsel for the petitioner further submits that there is political rivalry between the informant and the co-accused Manoj Kumar and the petitioner has been falsely implicated in the present case due to village politics. Learned counsel for the petitioner also submits that seizure list shows that only one empty cartridge and one live cartridge have been recovered from the place of occurrence. Lastly, it has been submitted that petitioner has three criminal cases against him.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that the petitioner has several criminal cases



against him but he has mentioned only three criminal cases.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kotwali P.S. Case No. 41 of 2024, he will 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 Chief Judicial Magistrate, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for



cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. Learned court below is directed to verify the criminal antecedents of the petitioner before releasing him on bail as it has been stated and pleaded that the petitioner has three criminal antecedents. If more than three criminal antecedents of the petitioner is found, the petitioner shall not be released on bail and the prayer of the petitioner for anticipatory bail shall be treated as stands rejected.

(Khatim Reza, J)

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