

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67259 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- GOPALGANJ TOWN District- Gopalganj

Anand Bagi @ Anand Bagi Annu @ Annu @ Vishen Vijendra Anand S/o Late
Birendra Sah @ Late Virendra Sah R/O- Kaushalya Chowk, P.S- Gopalganj,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Gopalganj P.S. Case No. 43 of 2024, registered for the offences under Sections 341, 323, 324, 327, 447, 387 and 34 of the Indian Penal Code.

3. As per the prosecution case, the co-accused persons threatened the informant demanding Rs.10 lakh as extortion money from him while he was repairing his boundary wall. Thereafter, the petitioner and other co-accused persons, who were variously armed, came to the land of the informant and started assaulting him with legs and fists. The allegation against the petitioner is that he hit on the chest of the informant with butt of his rifle. They also damaged the boundary wall of the



informant. When the informant tired to run away, the co-accused person fired upon him with his rifle but the shot missed the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case in the background of land dispute. The petitioner is no where to be seen in the CCTV footage purportedly recorded of the alleged incident. There was no intention to cause death and this fact should be inferred from the allegation against the petitioner that he hit on the chest of the informant with butt of the rifle. If a person is carrying rifle and intended to kill someone naturally, he will fire upon such person. Learned counsel further submits that the petitioner is having antecedent of one case and is in custody since 08.08.2024. Learned counsel further submits that since the petitioner was part of the *panchayati* in land dispute he has been falsely implicated in this case.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further



considering the period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj/concerned court, in connection with /Gopalganj P.S. Case No. 43 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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