

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67945 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- BARARI District- Katihar

Sanjiv Kumar Son of Jay Prakash Singh R/O-Village-Gandhi Gram, Ward
No.10, Barinagar, Guru Bazar, PS-Barari, District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending arrest in connection with Barari P.S. Case No. 136 of 2023 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, there is allegation against the petitioner who is said to have exhorted co-accused Rakesh Kumar and after that co-accused Rakesh Kumar fired two more bullets on the informant's husband.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. It is further submitted that there is admitted land dispute between the parties and in case of land



dispute facts are generally exaggerated in order to make the offence graver. Petitioner has been falsely implicated in this case due to the admitted land dispute. There is specific allegation of firing against co-accused Rakesh Kumar and there is no specific overt act against the petitioner. There is merely allegation of exhortation against the petitioner and except this there is nothing against the petitioner. Petitioner has criminal antecedent of one case lodged by the same informant, in which he is on bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, there is no specific over act against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Katihar in connection with Barari P.S. Case No. 136 of 2023, subject to the conditions as laid down under section 438(2) of the Code of



Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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