

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.210 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- SAHEBPUR KAMAL District- Begusarai

RIKESH KUMAR @ RIKKU YADAV S/o Late Rambadan Yadav R/v- Bind
Toli, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioner, learned
APP for the State along with learned counsel appearing for OP
No.2.

2. The petitioner seeks bail in anticipation of his arrest in a case registered in connection with Sahebpur Kamal PS Case No. 75 of 2022 dated 30.03.2022 for the offences punishable under Sections 147, 148, 149,307 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that the named accused persons who are her neighbours came and fired causing fire arm injury on the thigh of her husband. Learned counsel submits that the entire family members have been implicated in the case with general and



omnibus allegations. It is next submitted that, no doubt, the husband of the informant suffered fire arm injury but the injury is simple in nature. It is next submitted that similarly situated co-accused persons, Sukesh, Vikash and Chandrashekhar have been granted the privilege of anticipatory bail by learned Co-ordinate Bench *vide* order dated 24.01.2023 in Cr. Misc. No. 46664/2022. Thus, the learned counsel arguing on parity seeks anticipatory bail for the petitioner.

4. Learned A.P.P. along with learned counsel for OP No. 2 oppose the anticipatory bail application of the petitioner but are not in a position to rebut the submissions made on behalf of the petitioner that no specific allegation of firing is alleged against the petitioner in the FIR rather learned counsel appearing on behalf of OP No. 2 submits that in the case diary it has come during course of investigation that it was, this petitioner, who fired causing injury to the injured on which, learned counsel for the petitioner submits that the petitioner has been implicated by way of an afterthought during course of investigation. It is also submitted that if the petitioner had fired, in that event, the informant would have specifically named him but then that is not the case.

5. Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of her 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai where the case is pending in connection with Sahebpur Kamal PS Case No. 75 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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