

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76428 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- BAKHTIYARPUR District- Patna

1. Sainya Prakash Son of Bangali Yadav Resident of Village-Mogalpura Bigha, Police Station-Bakhtiarpur, District- Patna.
2. Nitish Kumar Son of Bangali Yadav Resident of Village-Mogalpura Bigha, Police Station-Bakhtiarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 22-11-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bakhtiyarpur P.S. Case No. 53 of 2024 instituted for the offence under Sections 307, 504, 506/34 & 341 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case in a nutshell is that co-accused persons including the petitioners have fired upon the informant,



due to which she sustained injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and has falsely been implicated in the present case. From perusal of the FIR itself, it would reveal that petitioners are alleged to have fired upon the maternal uncle of the informant, but somehow they managed to escape. So far as injury of informant and one Suruchi Kumari is concerned, the same is found to be simple in nature and they were not assaulted by the petitioners herein. Petitioners bear clean antecedent. Other co-accused have been granted regular bail by this Court *vide* order dated 09-04-2024, passed in Cr. Misc. No. 26664 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that there is direct allegation of firing against the petitioners, but somehow maternal uncle of the informant managed to escape. Hence, petitioners do not deserve the privilege of grant of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties, this Court is not inclined to grant anticipatory bail to the petitioners. Prayer is accordingly



rejected.

7. However, if the petitioners surrender before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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