

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69858 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- ARIYARI District- Sheikhpura

1. KRISHNANADAN RAM S/O LATE BALESHWAR RAM R/O VILLAGE- KEMRA, P.S- ARIYARI, DISTT.- SHEIKHPURA.
2. KAMLESH RAM S/O KRISHNANDAN RAM R/O VILLAGE- KEMRA, P.S- ARIYARI, DISTT.- SHEIKHPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 341, 342, 504, 506, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, all the FIR named accused persons including petitioner no.2, are said to have caught hold the informant's son with an intent to kill him and thereafter, on the order of petitioner no.1, co-accused Ashok Ram fired upon the informant's son which hit on his right chest due to which he died.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is specific allegation against co-accused Ashok Ram to fire upon the informant's son due to which he died. There is admitted land dispute between the parties. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation against the petitioners to be involved in committing murder of the informant's son. Hence, they do not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as petitioner no.1 is mere an order giver and there is no specific overt act against him, let the above named petitioner no. 1, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like



amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Ariyari P.S. Case No. 121 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, there is specific allegation against petitioner no. 2 to catch hold the informant's son with an intent to kill him and in the meantime, co-accused Ashok Ram opened fire upon him due to which he died, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.2 is hereby rejected.

8. However, if the petitioner no.2 surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

9. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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