

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75335 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- THawe District- Gopalganj

1. Appu Singh Son of Triloki Singh Resident of Math Gautam, P.S.- Thawe, Distt.- Gopalganj
2. Sanajay Singh Son of Paspati Singh Resident of Dhatiwna, P.S.- Thawe, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvadeo Singh, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2024 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 126, 109, 351, 352, 60(b), 3(5) of the BNS Act and Section 27 of the Arms Act.

3. As per FIR, both the petitioners along with one other co-accused person came riding on a motorcycle and on instigation of co-accused Chintu Singh, petitioner no.1 took out a pistol from his waist and fired a shot upon the informant when he was taking bath at a hand pump near his house causing fire arm injury to him on his right leg.



4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. During investigation, it has been found that these petitioners were not present at the place of occurrence. The real fact is that the informant himself is a veteran criminal and he has been made accused in several cases. It is further submitted that the informant of this case is the named accused in a murder case i.e. Thawe P.S. Case No. 14 of 2022 in which these petitioners are eye-witnesses and therefore, only with a view to harass the petitioners, this false case has been lodged by the informant. Learned counsel further submits that petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as from bare perusal of the FIR, it is evident that there is no specific overt act against petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his 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) 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 Thawe P.S. Case No. 178 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the BNSS, 2023.

7. Considering the allegation levelled against petitioner no.1, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of petitioner no.1 is hereby rejected.

8. However, if petitioner no.1 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, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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