

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78388 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- BAKHTIYARPUR District- Patna

NARESH KUMAR @ MAHATMA Son of Chandradutt Pandey Resident of
Village - Ranisarai, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Pandey
		Ms. Kumari Pallavi
For the Opposite Party/s	:	Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 10-01-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Bakhtiyarpur Police Station Case No. 338 of 2023, dated 16.08.2023, disclosing offences punishable under Sections 447/341/504/506/34 of the Indian Penal Code and Sections 25 (1-B)A/26/35 of the Arms Act.3. The prosecution case, as per the First Information Report, is that on 16.08.2023, while the informant was running his school, which is situated in his residential house, the petitioner, along with other co-accused persons, arrived there, abused the informant and when the informant came out, co-accused Rajnish Yadav resorted to firing, but |
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fortunately the bullet did not hit anybody. Thereafter, the informant snatched the country-made pistol from the co-accused Rajnish Yadav and handed it over to the police. Subsequently, all the accused persons fled away.

4. Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case due to previous enmity and a proceeding under Section 107 of the Code of Criminal Procedure, 1973, is also going on between the parties. He next submits that there is no allegation of firing against the petitioner and the same is attributed to co-accused Rajnish Yadav. He next submits that nobody has received any injury in the alleged firing done by co-accused Rajnish Yadav.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioner is having no criminal antecedent and no overt act is alleged against him in the First Information Report, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest



or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Barh, Patna, in connection with Bakhtiyarpur Police Station Case No. 338 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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