

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 80416 of 2024

Arising Out of PS. Case No.-392 Year-2024 Thana- SIWAN CITY District- Siwan

Binod Prasad @ Vinod Kasera @ Vinod Kumar Son of Late Sitab Lal
Resident of Vill- Kasera Toli Siwan, Ward No. 22, P.S. and District- Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2024 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 Siwan Town Police Station Case No. 392 of 2024, dated 30.07.2024, disclosing offences under Sections 126(2), 127(2), 115(2), 109, 352, 351(2), 308(2), 308(5), 3(5) of Bhartiya Nyaya Sanhita, 2023 & Section 27 of Arms Act.

3. The prosecution case, as per the First Information Report, is that on 30.07.2024, in the morning, petitioner along with other accused persons arrived near shop of the informant. Thereafter, co-accused Guddu Sharma and Ajay Yadav entered into the jewellery shop of informant and demanded extortion and threatened to kill the informant and on refusal Guddu Sharm took out a pistol and fired three rounds with intention to kill the



informant and also assaulted the informant by mirror kept nearby due to which informant sustained injury on his head. The allegation against the petitioner is that he outside the shop along with other accused persons was doing recce.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute between the informant and the co-accused Guddu Sharma. He further submits that petitioner is not having any criminal antecedent and during the course of investigation no incriminating material has come against the petitioner. He next submits that nobody has sustained firearm injury due to the alleged firing done by co-accused Guddu Sharma and others.

5. Having regard to the submissions made on behalf of the parties and the taking into consideration the nature of allegation and the fact that petitioner is having no criminal antecedent and there appears to be dispute regarding land between co-accused Guddu Sharma and informant, 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 four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate at Saharsa, in connection with Siwan Town Police Station Case No. 392 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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