

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82265 of 2023

Arising Out of PS. Case No.-444 Year-2023 Thana- BUXAR District- Buxar

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1. Manoj Kumar Rai @ Jhabbu Rai Son Of Late Paras Rai R/O Civil Lines, Buxar, P.S.- Buxar (Town), District- Buxar
 2. Amit Kumar Sharma @ Suraj Kumar @ Suraj Sharma Son Of Kishun Sharma R/O Gola Ghat, P.S.- Buxar (Town), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mr.Chandra Bhushan Prasad
Mr.K.N.Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners, State and informant.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 323, 384, 385, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is alleged that petitioner no. 1 (Manoj Rai) abused the informant, fired in air and thereafter, fled away with petitioner no. 2 on his motorcycle waiving his *desi katta*.

4. It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case due to local politics. Though, there is allegation of firing, but no one



sustained any fire-arm injury.

5. However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that though, petitioner no. 2 has clean antecedent, but petitioner no. 1 is accused in three more cases. He further submits that during course of investigation, it has come that petitioners were seen in the CCTV camera, in which, petitioner no. 1 was firing in air and thereafter, fled away on his motorcycle waiving his katta with petitioner no. 2. As per seizure list also, the motorcycle of petitioner no. 1 has been recovered.

6. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioner no. 1 (Manoj Rai) is refused.

7. So far as prayer for anticipatory bail of petitioner no.2 is concerned, in view of nature of allegation and clean antecedent, petitioner no. 2, as named above, in the event of his arrest/surrender within a period of six weeks from today, is directed to be enlarged 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 C.J.M., Buxar in connection with Buxar (Town) P.S. Case No. 444 of 2023, subject to condition as laid down under Section 438(2) of the Code of



Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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