

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84624 of 2023

Arising Out of PS. Case No.-405 Year-2022 Thana- PALIGANJ District- Patna

1. AKHILESH KUMAR @ AKHILESH MOCHI S/O RAM CHHAPIT RAM VILLAGE- THAKURI, PS. PALIGANJ, DIST. PATNA.
2. DINESH KUMAR @ DINESH MOCHI S/O RAM RAMCHHAPIT RAM VILLAGE- THAKURI, PS. PALIGANJ, DIST. PATNA.
3. ARUNTI DEVI @ RANTI DEVI W/O DINESH KUMAR @ DINESH MOCHI VILLAGE- THAKURI, PS. PALIGANJ, DIST. PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-01-2024 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 307, 34 of the Indian Penal Code and 27 of Arms Act.

3. The allegation against the petitioners is that the petitioners and other accused persons surrounded the informant's father and fired upon him with an intention to kill him.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that both the sides are agnates and there is an admitted land dispute between the parties. He further submits that the entire family members have been made accused in the present case. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioners to fire upon the father of the informant.

6. Having regard to the facts and circumstances of the case as well as considering the nature of allegation, I am not inclined to enlarge the petitioner nos.1 and 2 on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. However, as the petitioner no.3 is a lady, let the above named petitioner no.3, be released on bail, in the event of her 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 court below where the case is pending/Successor Court in connection with Paliganj P.S. Case No.405 of 2022, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

9. However, if the petitioner no.1 and 2 surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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