

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81965 of 2024

Arising Out of PS. Case No.-45 Year-2023 Thana- EKANGARSARAI District- Nalanda

MULAYAM GOPE @ BABLU KUMAR SON OF VIJAY PRASAD R/O-
VILLAGE- GARERIYA BIGHA, P.O- KOSHIYAWAN, P.S-
EKANGARSARAI, DISTT.-NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh Mr. Ghulam Mustafa Mr. Padmanabh Kashyap Mr. Akash Hari
For the Opposite Party/s :		Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 06-12-2024 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 Ekangarsarai Police Station Case No. 45 of 2023, dated 06.03.2023, disclosing offences under Sections 147/148/149/341/323/307/504/506 of the Indian Penal Code and Section 27 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that on 05.03.2023, the petitioner, along with co-accused persons, armed with lethal weapons, arrived at the house of the informant and started abusing him and upon objection, the co-accused persons, namely Vijay Yadav and Pawan Yadav fired upon the informant, due to



which informant sustained firearm injuries. It has further been alleged that allegation against the petitioner is that he is an order-giver.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in the present case merely because he happens to be the order-giver. The allegation of assault is general and omnibus in nature and allegation of firing is upon other co-accused persons and not against the petitioner. He further submits that similarly situated co-accused Sanjy Gop @ Sanjay Kumar has been granted anticipatory bail by this Court in Cr. Misc. No. 68887 of 2023.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that allegation of firing upon the victim is not against the petitioner and the similarly situated co-accused person has been granted anticipatory bail by this Court, 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 Additional Chief Judicial Magistrate, Hilsa, in connection with Ekangarsarai Police Station Case No. 45 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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