

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86123 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

1. Dheeraj Kumar @ Badal Son of Late Vishwanath Prasad Singh R/o vill - Harpur Bakhari, P.S. - Ahiyapur, Disttt. - Muzaffarpur
2. Pushpa Devi W/o Dheeraj Kumar @ Badal R/o vill - Harpur Bakhari, P.S. - Ahiyapur, Disttt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Lalan Kumar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-04-2024 Despite valid service of notice nobody appears on behalf of the Opposite party No. 2.

2. Petitioners apprehend arrest in a case registered for the offence punishable under Sections 341 , 324 , 307 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, this petitioner, even after taking consideration money refused to execute the sale deed in favour of the father-in-law of the complainant. When the complainant demanded the money, she was assaulted and abused. It is further alleged that petitioner no. 2 (Pushpa Devi) brought a loaded pistol and gave it to petitioner No. 1 (Dheeraj Kumar) and who fired on complainant due to which her hand



was burnt. It is further alleged that on January 28, 2022, two checks of Rs. 3,00,000/- was handed over to the complainant by the petitioner No. 1 but the check was got bounced due to insufficiency of fund.

4. Learned counsel for the petitioners denies the prosecution case and submits that though there is allegation of causing fire arm injury but doctor has not found any fire arm injury . He further submits that petitioners are ready to pay the alleged amount of **Rs. 3,00,000/- (three lacs)** at the time of furnishing bail bond to the Opposite Party No. 2.

5. Considering the aforesaid contention made on behalf of the petitioner, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged 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 , Muzaffarpur in connection with Ahiyapur P. S. Case No. 83 of 2023 , subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with direction to the petitioner that :-

***(i) Petitioner shall refund Rs. 3,00,000/-
(three lakhs) through Bank Draft/cash in***



the Nazarat of Civil Court, Muzaffarpur at the time of furnishing bail-bond.

(ii) The aforesaid payment shall be subject to the final outcome of the case .

(iii) If petitioner does not abide by the aforesaid directions, the learned Court below is at liberty to cancel the bail-bond of the petitioner.

(Prabhat Kumar Singh, J)

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