

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3558 of 2024

Arising Out of PS. Case No.-376 Year-2023 Thana- JAGDISHPUR District- Bhojpur

1. Manish Kumar, Son of Sudama Yadav, Resident of Village-Chhotki Hardiya, P.S.-Jagdishpur, District-Bhojpur.
2. Vishal Kumar, Son of Ram Narayan Yadav, Resident of Village-Chhotki Hardiya, P.S.-Jagdishpur, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Umesh Kr. Verma, Advocate
		Mr. Munna Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Jagdishpur P.S. Case No. 376 of 2023, registered on 12.09.2023 for the offences under Sections 341, 323 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and other co-accused persons were forcibly making construction over the land of the informant and when the informant opposed, he was assaulted by the petitioners and other co-accused persons. The co-accused fired upon the son of the informant causing injury to



him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Only allegation against them is that they assaulted the informant but no injury report is on record. The allegation of open firing is against other co-accused persons. There is case and counter case between the parties and mother of petitioner no.2 lodged Jagdishpur P.S. Case No. 378 of 2023 against the informant and his family members. From the facts of the case no offence under Section 307 IPC and Section 27 of the Arms Act is made out against these petitioners. Petitioners are having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the son of the informant received gun shot injury in the firing open by co-accused Sudama Yadav and Ram Narayan Yadav.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioners and also that allegation of firing is against other co-accused persons and also considering the case and counter case between the parties



coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bhojpur/concerned court in connection with Jagdishpur P.S. Case No. 376 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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