

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7441 of 2024

Arising Out of PS. Case No.-411 Year-2023 Thana- MOKAMAH District- Patna

Chandan Kumar @ Chhotu Kumar Son of Late Deo Prasad Mohalla
-DOCTOR Toli Ward No 7 Ps- Mokama District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 26-02-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Mokama P.S Case No. 411 of 2023 dated 14.10.2023 registered for the offence punishable u/s 307, 326, 342 and 504/34 of the Indian Penal Code and under Section 27 of the Arms Act.

4. As per the prosecution case, on the order of the petitioner, the co-accused Sonu Kumar fired on the chest of informant.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has committed no offence as alleged in the F.I.R. The petitioner has two criminal antecedents as stated in para 3 of the bail petition. Learned counsel further submits that as per F.I.R., the allegation of firing is against the co-accused Sonu Kumar and the petitioner is merely an order giver. There is no overt act alleged against the petitioner. No incriminating article has been recovered against the petitioner. There is previous inimical term between the petitioner and the informant and due to previous enmity the petitioner has falsely been dragged in the present case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Barh in connection with Mokama P.S. Case No. 411 of 2023,



subject to conditions as laid down under section 438(2) of the
Code of Criminal Procedure with the following conditions :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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