

Arising Out of PS. Case No.-89 Year-2024 Thana- FESHAR District- Aurangabad

... .. Petitioner/s

The State Of Bihar

... .. Opposite Party/s

For the Petitioner/s :	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh Mr. Ritwik Thakur Mr. Purshottam Kumar
For the Opposite Party/s :	Mr. Gauri Shankar Gupta
For the informant	Ms. Meena Singh Ms. Sakshi Deep

ORAL ORDER

2. The petitioners apprehend their arrest for the
ged under Sections 126(2), 115(2), 352, 351(2),
of the BNS and Section 27 of the Arms Act,
connection with Fesar P.S. Case No. 89 of 2024.

3. As per the prosecution case, while the informant was on way to market, the petitioner Manish Kumar Singh, armed with pistol, fired but he dodged the shot. Then the



petitioner Appu Singh assaulted the informant with *danda*, causing him injury on his head. Thereafter, the petitioner Chhotu Singh also assaulted him with *danda*, as a result of which he suffered serious injury.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated. He submitted further that neither the FIR was registered under Section 109 of the BNS, nor the charge-sheet was submitted under the said Section, but differing with the opinion of the investigating authorities, the learned Magistrate has also taken cognizance under Section 109 of the IPC. It is further submitted that petitioner no.1 had suffered fire-arm injury and the case lodged by members of the defense side is prior to the present case. It is also submitted that the investigating authorities have noticed the petitioners under Sections 35(3) of the BNSS.

5. On the other hand, the learned APP for the State and the learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, the petitioners are directed to surrender before the court below who shall pass order keeping in view the decision of the



coordinate Bench in the case of *Mahendra Prasad Singh Vs. The State of Bihar, reported in 2004(3) PLJR 491.*

7. With the direction/observation aforesaid, the application stands disposed of.

(Nawneet Kumar Pandey, J)

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