

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60086 of 2024

Arising Out of PS. Case No.-556 Year-2023 Thana- KOILWAR District- Bhojpur

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Anish Kumar, Son of Umashankar Rai @ Sipahi Rai Resident of vill.-
Suarmarwa, Police Station - Maner, District - Patna, A/p residing at Janta
Road, Saristabad, Police Station - Gardanibag, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Purusottam Kumar

For the Opposite Party/s : Mr. Ramchandra Sahni

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-02-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 147, 148, 149 and 307 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of six cases. It is next submitted
that from perusal of the allegation as alleged in the FIR, it
would manifest that informant (Police Officer) alleges that he
received an information that firing is going on in between the
group of Uma Shankar Rai and Anish Rai in order to establish
supremacy over sand mines. Accordingly, the police reached the
place of occurrence and on seeing the police, the accused



persons fled and from the place of occurrence, eight pock-lane machines were found in burnt condition and several cartridges were also recovered.

4. The learned counsel for the petitioner submits that though there is an allegation in the FIR that both side indulged in firing in order to establish supremacy, but then, no one was injured, which cast an aspersion on the case of the prosecution. It is further submitted that name of the petitioner Anish Kumar and he is son of Uma Shankar Rai while Anish Rai with whom Uma Shankar Rai was having issues is a different person. It is also submitted that police taking advantage of the criminal antecedent of the petitioner implicated him being son of Uma Shankar Rai. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the



satisfaction of the learned C.J.M., Bhojpur, Ara in connection with Koilwar P. S. Case No.556 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. subject to condition one of the bailors of the petitioner shall be his cousin brother Hareram Kumar.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Further, it is made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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