

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63440 of 2024

Arising Out of PS. Case No.-854 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Om Prakash Chaudhary son of Late Dharm Nath Chaudhary Residence of village - Marahiyen, P.S - Muffasil, Dist- Saran
2. Akash Chaudhary son of Om Prakash Chaudhary Residence of village - Marahiyen, P.S - Muffasil, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on the alleged date and time of occurrence, while the informant was sleeping in his *verandah*, three persons armed with pistol came there and fired upon him, as a result of which, informant sustained three fire-arm injuries on his back and one fire-arm injury on his left shoulder and thereafter, informant saw Akash Chaudhary (petitioner no. 2) running with pistol, whereas petitioner no. 1 and co-accused Ravi Raj @ Chhotu Kumar @ Raviraj Chaudhary were also seen with him.



4. Learned counsel for the petitioners submits that there is no specific allegation of firing against these petitioners. They were only seen fleeing away from the place of occurrence. He further submits that as per F.I.R., it is not clear as to who had fired upon the informant. He further submits that petitioner no. 1 has got no criminal antecedent, whereas petitioner no. 2 is accused in one more case, in which, he is on bail. Co-accused Ravi Raj @ Chhotu Kumar @ Raviraj Chaudhary has already been granted anticipatory bail by this Court, vide order dated 12.09.2024 passed in Cr.Misc. No. 48843 of 2024.

5. However, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that as per F.I.R. itself, petitioner no. 2 was seen running with pistol at the place of occurrence, who caused bullet injury, as a result of which informant sustained grievous injury.

6. Considering the fact that informant sustained grievous injury, caused by petitioner no.2 (Akash Chaudhary), his prayer for anticipatory bail is rejected.

7. However, since petitioner no. 1 (Om Prakash Chaudhary) was only seen at the place of occurrence and he has got clean antecedent, in the event of his arrest/surrender within a period of eight weeks from today, let the petitioner no.1 namely



Om Prakash Chaudhary be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 854 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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