

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69098 of 2024

Arising Out of PS. Case No.-283 Year-2023 Thana- BACHHWARA District- Begusarai

Abhinandan Kumar S/o Late Ganga Prasad Resident of Village - Begamsarai,
P.S.- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-01-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 448, 307, 504, 34 of the Indian Penal Code & Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that the accused persons including the petitioner on 02.09.2023 came to his house and asked him to vacate, on objection, they started abusing and Nirmal assaulted by danda, while petitioner fired causing injury on his left hand and near the waist and fled and thereafter Nirmal inflicted knife injury on himself near left side of his rib (Panjara).

4. The learned counsel for the petitioner submits that



petitioner, informant (Sanjeev Kumar Singh) and Nirmal are own brothers and are having dispute relating to property. It is next submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that informant alleges that petitioner fired causing injury on his left hand. It is also alleged that Nirmal after seeing that informant has received firearm injury, he inflicted injury on himself by knife near his rib (Panjra) and thereafter fled from the place of occurrence.

5. The learned counsel for the petitioner submits that the informant in order to falsely implicate his own brother has alleged that petitioner fired causing firearm injury on his left hand. It is submitted that it does not appear probable that Nirmal would have inflicted knife injury on himself and thereafter would have fled. It is further submitted that even Nirmal instituted Bachhwara P.S. Case No.284/2023, wherein he alleges that on 02.09.2020 he had gone to the house of his brother Sanjeev Kumar Singh and was demanding certain paper relating to property, when an altercation took place and Sanjeev Kumar Singh assaulted him by knife and thereafter took out a pistol when Nirmal tried to snatch the same and in the occurrence the pistol fired causing injury to Sanjeev Kumar Singh. It is further submitted that from perusal of F.I.R. of Nirmal it would manifest that petitioner was not even present at the place of occurrence.



6. The learned counsel for the petitioner submits that since Nirmal and the informant were having an altercation relating to property and the petitioner sides with Nirmal, as such, when the occurrence took place, the informant i.e. Sanjeev Kumar took the same as an opportunity to implicate the petitioner to coerce him into submission so that he does not demand share in the property. The learned counsel for the petitioner further at the cost of repetition submits that it absolutely defies all logic, wisdom and reasonable human behaviour that Nirmal would have inflicted injury on himself by knife and thereafter would have fled. It is submitted that since Sanjeev assaulted him by knife causing injury and thereafter when the situation worsen he took out a pistol which Nirmal was trying to snatch but accidentally fired causing injury to Sanjeev.

7. Learned A.P.P. for the State Mr. Chandra Bhushan Prasad opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against the petitioner of causing firearm injury to the informant but then fairly submits that the allegation alleged by Nirmal also appears to be probable and thus submitted that since investigation is going on, as such, privilege of anticipatory bail be not granted to the petitioner, on which, learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in



the investigation to prove his innocence.

8. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bachhwara P.S. Case No.283/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

10. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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