

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83969 of 2024

Arising Out of PS. Case No.-220 Year-2024 Thana- PASRAHA District- Khagaria

1.

Gajo Sharma S/O Dukhan Sharma Resident of Vill .- Bharkath, P.S-
Pasraha,Dist- Khagaria
2.

Anil Sharma S/O Late Narayan Sharma Resident of Vill .- Bharkath, P.S-
Pasraha,Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-01-2025 Heard learned counsel for the petitioners and the
State.

2. Petitioners apprehend arrest in a case registered for
the offences punishable under Sections 109, 352, 351(2), 3(5)
of the Bharatiya Nyaya Sanhita and Section 27(2) of the Arms
Act.

3. Prosecution case, in short, is that on 29.08.24 at 11
PM, all the F.I.R. named accused persons came at the door of
the informant and abused him and made firing.

4. Learned counsel appearing for the petitioners
submits that petitioners are innocent and have committed no
offence. It is next submitted that though there is allegation of



firing but no one sustained any firearms injury. As a matter of fact, it is apparent from the F.I.R. that the said bullet shells were handed over to the police by the informant on 31.8.24. Petitioner No. 2 claims clean antecedent.

5. Learned A.P.P. for the State opposed the bail application and submits that petitioner No. 1 has got three criminal antecedents out of which two antecedents are of similar nature.

6. In view of the fact that petitioner No. 1 has got criminal antecedent of similar nature, **prayer for anticipatory bail of petitioner No. 1 is refused.**

7. However, considering the nature of accusation against petitioner No. 2 and clean antecedent, the **anticipatory bail with regard to petitioner No. 2 is allowed** and it is ordered that the above named petitioner No. 2 in the event of his arrest/surrender before the court below within a period of eight weeks from today, 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 Chief Judicial Magistrate, Khagaria in connection with Pasraha P. S. Case No. 220 of 2024, subject to condition as laid down under Section 482(2) of



the Bhartiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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