

In the Court of ADJ-V, Katihar
ABP-735/2023 arising out Barari PS Case No. 116/2023
U/S 504, 506/34 of the IPC and 27 Arms Act
Kundan Bhagat
V/s
State

Ld. Counsel: for State: A. K. Ranjan

Ld. Counsel for petitioner : Sanjay Kumar Singh

08-08-2023

- (1) This anticipatory bail application has been filed on behalf of the petitioner namely **Kundan Bhagat @ Abhay Kumar Jaiswal**, who is apprehending his arrest in connection with Barari PS Case No. 116/23, dated 16-04-2023 U/s 504, 506/34 of the IPC and 27 Arms Act.
- (2) Heard the learned counsel for the petitioner and Ld. A.P.P in open court.
- (3) The brief fact of the case is that as per FIR lodged by the informant namely Sardar Raja Singh that on 15.04.2023 at about 10:40 he was at his home along with his family members in the mean time some people came behind the house of the informant and started abusing filthy language and they narrated that "Bahar niklo aaj tumko jan se mar denge" and they fired three round. On which the informant and his family members were scared and they watch them into the CCTV camera, while watching the camera the informant saw that one Kundan Bhagat cross his house by firing one round and went from there. Thereafter the informant lodge an FIR against the petitioner namely Kundan Bhagat.
- (4) The Ld. Counsel for the petitioner has submitted that petitioner has been falsely implicated in this case due to personal enmity and the petitioner has no criminal antecedent. It is further submitted that the alleged section 504, 506 /34 is bailable in nature. Hence the Ld. Counsel prayed before the court that as such petitioner may be granted anticipatory bail.
- (5) The learned A.P.P. has vehemently opposed the prayer of bail.
- (6) Perused the case diary, bail petition, and other material available on record and considered the rival submission made by the Ld. Counsel of both the parties, it appears that no recovery of any arms yet. Merely allegation made. Case diary which has been submitted by the APP and in the FIR no any involvement has been surfaced against the petitioner.
- (7) Under such facts and circumstances of the case, the present anticipatory bail of the above named applicant/accused namely **Kundan Bhagat @ Abhay Kumar Jaiswal** is granted bail and the petitioner in the event of his arrest or surrender **within four (4) weeks of this order, shall be admitted to bail on furnishing bail bond of Rs. 10,000/-, with two sureties** of the like amount to the satisfaction of the court subject to condition that **one of the bailors shall be relative and the petitioner will not tamper with the evidence.**

Dictated

(Ranjit Prasad)
Additional District & Sessions Judge-V
Katihar