

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47622 of 2015

Arising Out of PS.Case No. -501 Year- 2014 Thana -RUNNISAIIDPUR District- SITAMARHI

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Sonu Kumar Son of Arun Kumar @ Arun Kumar Singh, Resident of
Village Madaul, P.S. - Runnisaidpur, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 03-11-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in
Runnisaidpur P.S. Case No. 501 of 2014 dated 06.11.2014
instituted under Sections 302/307/120B/34 of the Indian
Penal Code.

The allegation against the petitioner is that he
was driving one of the motorcycles, out of the two on which
there were two other pillion riders, who indiscriminately fired
on the informant and his brother and sister-in-law, who were
riding on the motorcycle of the informant resulting in the
death of his sister-in-law at the spot and injury to his brother.

Learned counsel for the petitioner submits that
due to village rivalry the petitioner has been falsely implicated
and further it cannot be believed that the two motorcycles
running parallel will fire upon the informant and others and



risk hitting each other also as they were on the opposite side of the motorcycle of the informant. It is further submitted that at best the petitioner was only driving the motorcycle and is not alleged to have fired. Learned counsel submits that the petitioner has no criminal antecedent. He has also produced copy of order dated 10.07.2015 passed in Cr. Misc. No. 25105 of 2015, by which co-accused Randhir Singh has also been granted anticipatory bail with certain observations for surrendering before the Court below.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the description in the F.I.R. cannot be seen in a highly technical manner and the fact that specific name has been taken of the petitioner driving the motorcycle from which the persons sitting as pillion riders had fired, clearly establishes the active role of the petitioner in the episode. It is further submitted that Randhir Singh's case in which the co-ordinate bench had given certain observations is different as he is not said to be at the place of occurrence which is clear from the F.I.R. itself.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders

and prays for bail before the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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