

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61269 of 2018

Arising Out of PS. Case No.-90 Year-2013 Thana- SHEKHPURA District- Sheikhpora

Prashant Kumar @ Jitu Singh, S/o Late Surendra Singh, R/o-Vill-Pain, P.S.-
Sheikhpura, Distt.-Sheikhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Advocate.

For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-12-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 341, 323,
307, 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 28.03.2017
at 10.00 P.M., the informant and others were celebrating the
Holi and they were signing and dancing. Then, co-accused
Dhiro Singh objected them and threatened them for dire
consequences. Co-accused Balmiki Singh ordered to kill them.
On his order, petitioner and other accused persons, variously
armed with deadly weapons, fired on them indiscriminately, due



to which, Santosh Kumar succumbed to firearm injury and at least half dozen persons became injured badly.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Altogether 11 persons are alleged to have fired upon the deceased. Postmortem report does not support the allegation of firing made by 11 persons including the petitioner. After investigation, police had submitted final form. Petitioner was not sent up for trial. Learned court below differed with the said police report and has taken cognizance against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Sheikhpura, in connection with Sheikhpura P.S. Case No. 90 of 2013, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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