

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7856 of 2019

Arising Out of PS. Case No.-899 Year-2018 Thana- BIHTA District- Patna

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Rahul Kumar, son of Devi Dayal Rai, aged about 22 years, Gender Male,
Resident of Village-Alhanpura, P.S.-Bihta, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar, Adv.

For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 302/34 of the Indian
Penal Code and 27 of the Arms Act.

The prosecution case got initiated on the basis of written
report dated 10.08.2018 submitted by Kiran Devi to the Station
House Officer, Bihta Police Station is to the effect that on the
same day, at 7.00 A.M., the FIR named accused persons,
including the petitioner came variously armed and on the



instigation of co-accused Renu Devi, co-accused, Uma Shankar Prasad fired from the pistol on the head of the informant causing injury on the left side of his forehead. It is further alleged that co-accused Uma Shankar Prasad also resorted to fire on the informant, however, the informant saved herself. Subsequently, the husband of the informant was taken to the hospital, but the doctor declared him dead.

It is submitted by learned counsel for the petitioner that there is no specific accusation against the petitioner, rather specific accusation of resorting to firing is specific against co-accused Uma Shankar Prasad. It is further submitted that though the petitioner is accused in two other cases apart from the present case, but he is on bail in those cases.

It is submitted by learned APP for the State that the petitioner was a member of the mob.

Considering the fact that there is specific accusation of firing against co-accused Uma Shankar Prasad, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Danapur, in



connection with Bihta P.S. Case No.899 of 2018, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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