

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71783 of 2018

Arising Out of PS. Case No.-23 Year-2018 Thana- RAMKRISHNANAGAR District- Patna

1. Mithilesh @ Mithilesh Kumar.
2. Santosh @ Santosh Kumar, Both S/o Pradeep Sahni, Resident of Village- Shivnagar Khemnichak, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Gulnar Begam, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 12-03-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ramkrishna Nagar P.S. Case No. 23 of 2018, registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that, in the evening of 23.01.2018, function of Saraswati Puja was going on near the house of Suresh Paswan, Road No.1, Shiv Nagar Colony, where Jagdanand Kumar, brother of the informant, Chandan, Bishal, Pintu, Sanju and Santosh were sat near the fire. At that time, Pradeep, Sandeep, Indrajeet, Ravi Kumar , Mithlesh, Santosh,



Bikki Kumar, Bittu, Uttam Kumar along with petitioners came there having pistols in their hand. In the meantime, Pradeep, Sandeep and Indrajeet asked to kill Jagdanand, brother of the informant then Pradeep, Sandeep, Indrajeet and Ravi Kumar started indiscriminate firing through pistol, in which, Jagdanand Kumar sustained firearm injury. While brother of the informant tried to flee away but he fell down and on firing, mob started moving hither and tither then all accused started to move from there making firing.

Learned counsel for the petitioners submits that petitioner nos. 1 and 2 are own brother and student of B.A. Part-I and student of ITI Digha, respectively, and both have falsely been implicated in this case without any overt act. Further submission is that it would appear from the F.I.R. that there is specific allegation against only Pradeep, Sandeep, Indrajeet and Ravi Kumar to fire at the deceased, brother of the informant through pistol, while petitioners are named in the F.I.R. but no specific overt act has been attributed against them and both petitioners and the informant are resident of same Mohallah. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the



case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Judge-XIII-cum-Additional Chief Judicial Magistrate, Patna, in connection with Ramkrishna Nagar P.S. Case No. 23 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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