

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61748 of 2019

Arising Out of PS. Case No.-239 Year-2019 Thana- HARNAUT District- Nalanda

1. Nitish Kumar, Son of Shiv Kumar Singh Resident of Village - Mustafapur, P.S.- Harnaut (Telmar), Dist.- Nalanda.
2. Rajesh Kumar, Son of Shiv Kumar Singh Resident of Village - Mustafapur, P.S.- Harnaut (Telmar), Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Nayan

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 14-10-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Harnaut (Telmar) P.S. Case No. 239 of 2019, registered under Sections 447, 504, 506 and 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that four persons named in the F.I.R. including the petitioners variously armed with weapons came at the door of the informant, Prashant Kumar @ Mantu. At that time, Mithlesh Singh fired through double-barrel gun, which hit to his mother, Shakuntala Devi, who sustained injury at her neck and died at the spot.



Learned counsel for the petitioner submits that it would appear from the F.I.R. that the specific allegation is against Mithlesh Singh to open fire causing injury at the neck of Shakuntala Devi, mother of the informant, who died at the spot but petitioners and one Shiv Kumar Singh have also been made accused in the present case. It is further submitted that similarly situated co-accused, Shiv Kumar Singh, has already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 09.08.2019 passed in Criminal Misc. No. 49986 of 2019 and the petitioner has 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 Learned Chief Judicial Magistrate, Nalanda, in connection with Harnaut (Telmar) P.S. Case No. 239 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U		T	
---	--	---	--

