

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83946 of 2019

Arising Out of PS. Case No.-300 Year-2019 Thana- BYPASS District- Patna

DEO KUMAR SINGH @ DEO PD. SINGH S/o Late Ramprit Singh Resident
of Village- Ranipur, Paijawa, P.S.- Bypass, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar
For the State	:	Mr. Md. Matloob Rab
For the informant	:	Mr. Jitendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-06-2020 Heard Mr. Rama Kant Sharma, the learned senior
counsel for the petitioner, Mr. Jitendra Kumar, the learned
counsel for the informant and the learned APP.

The matter has been taken up through video
conferencing.

The petitioner apprehends his arrest in Bypass P.S.
case No. 300/ 2019 registered under Section 302/506/120B/34
of the IPC and u/s 27 of Arms Act.

The informant alleged that on 17.11.2019 at about 8
while he was talking with his son, Ravi Ranjan, Naulakh Kumar
and Mukesh Kumar came on a motor cycle and passed through
the road and rubbed the body of his son. His son protested on
such Naulakh Kumar and Mukesh Kumar threatened him. After



some time Naulakh Kumar, Mukesh Kumar, Vijay Narain Singh, Deoki Singh, Deo Kumar Singh, the petitioner, Sanjit Kumar Singh, Rakesh Kumar and Sudhir Kumar, having armed with different weapons, came. Sanjit Kumar, Rakesh Kumar and Sudhir Kumar came down from the motor cycle and caught Ravi Ranjan and on the order of Vijay Narain Singh and Deoki Singh, Naulakh Kumar shot at the head of Ravi Ranjan, son of the informant. Ravi Ranjan instantly fell down on the ground. When the family members of the informant rushed, Mukesh Kumar, Deo Kumar Singh and the other accused persons fled away firing in the air. The informant took his son to hospital for treatment where he was declared brought dead.

Mr. Rama Kant Sharma, the learned senior counsel for the petitioner, submits that only Naulakh Kumar and Mukesh Kumar are said to have rubbed the body of Ravi Ranjan while he was talking with his father but when he protested Naulakh Kumar and Mukesh Kumar threatened the son of informant and went to their house. After some time eight persons on five motor cycles came and out of which three persons, Sanjit Kumar, Rakesh Kumar and Sudhir Kumar are said to have caught Ravi Ranjan and on the order of Vijay Narain Singh and Deoki Singh Naulakh Kumar is said to have fired in the head of son of the



informant. The only allegation against the petitioner is that while the petitioner was fleeing away from the place of occurrence he is said to have fired in the air. The son of informant got single fire arm injury in his head. Sanjeet Kumar, who is alleged to have caught the deceased along with Rakesh Kumar and Sudhir Kumar, has already been granted anticipatory bail by a coordinate bench of this court vide order dated 24.02.2020 passed in Cr. Misc. No. 1053 of 2020 and the case of petitioner stands on better footing as the petitioner has not even touched the body of the deceased.

On the other hand, the learned APP as well as the learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that petitioner had also come along with other accused persons with the common object and while the petitioner was fleeing away he shot fire in the air and, therefore, the petitioner does not deserve anticipatory bail.

It appears from the fact and the allegation made in the FIR that, of course, the petitioner is named in the FIR along with seven other accused persons but Sanjit Kumar, Rakesh Kumar and Sudhir Kumar are said to have caught the deceased and on the order of Vijay Narain Singh and Deoki Singh,



Naulakh Kumar is alleged to have fired in the head of the deceased causing the death. Sanjit Kumar, who is alleged to have caught the deceased along with two others, has already been granted anticipatory bail and the case of petitioner stands on better footing.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Rashmi Prasad, learned Additional Chief Judicial Magistrate IV, Patna City, Patna in connection with Bypass P.S. case No. 300/ 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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