

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6216 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- RAHUI District- Nalanda

1. RAHUL PRASAD @ RAHUL KUMAR Son of Satish @ Satyendra Prasad @ Satish Kumar Resident of Village - Saidalli, P.S.- Rahui, District - Nalanda
2. Radhe Shyam Prasad Son of Mr. Sarbindra Prasad @ Sarbindra Yadav Resident of Village - Saidalli, P.S.- Rahui, District - Nalanda
3. Indrajeet Prasad Son of Late Amir Lal Resident of Village - Saidalli, P.S.- Rahui, District - Nalanda
4. Jitendra Kumar Son of Mr. Ramkrit Prasad Resident of Village - Saidalli, P.S.- Rahui, District - Nalanda

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary
For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-11-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Vide order dated 23.11.2021 passed in this case, now this bail application is only with respect to petitioner nos.1, 2 and 4.



The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 147, 148, 149, 341, 323 & 324 of the Indian Penal Code and Section 27 of the Arms Act.

While the informant was at his dalan along with his deceased brother, the petitioners along with other co-accused forming an unlawful assembly armed with deadly weapons came and started using abusive language. One Santosh Kumar resorted firing directly on the head of his brother and he fell down and lastly died.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the Santosh Kumar received injuries in some other way and manner and by making false allegation several innocent persons have been implicated in the present case. It is also submitted that the first incident allegedly took place at 5:30 PM but when alleged second incident took place, has not been disclosed in the F.I.R. Similarly situated co-accused, namely, Kamlesh Prasad and Shashikant Prasad have been enlarged on



anticipatory bail by a co-ordinate bench of this court vide order dated 25.03.2021 passed in Cr. Misc. No. 553 of 2021. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner nos.1, 2 & 4, 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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending in connection with Rahui P.S. Case No.239 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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