

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9417 of 2022

Arising Out of PS. Case No.-190 Year-2021 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. PUNIT KUMAR @ PUNIT SINGH S/o Bhanu Pratap Singh @ Bhanu Singh Resident of Village- Tarahani, P.S.- Sonhan, District- Kaimur.
 2. MURARI SINGH @ ANURAG KUMAR SINGH S/o Anil Kumar Singh @ Gaya Singh Resident of Village- Tarahani, P.S.- Sonhan District- Kaimur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kumar Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-10-2022 Heard learned Senior Counsel for the petitioners and
learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 307, 341,
504, 506, 120(B) and 302 of the Indian Penal Code and Section
27 of the Arms Act.

Learned Senior Counsel for the petitioners submits
that petitioner no. 1 has antecedent of one case under the Excise
Act and petitioner no. 2 is a person with clean antecedent.

The informant alleges that he along with his
companion, namely, Vishnu Kumar were on the way when



named accused persons along with three unknown persons intercepted them and accused Jwala Singh opened fire causing injury in the abdomen of Vishnu Kumar and thereafter the informant raised alarm then people gathered and chased the miscreants and apprehended one of them, namely, Saurabh Singh who was on a motorcycle and thereafter the injured was taken to the hospital where he died during the course of treatment.

Learned Senior Counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that there is a direct and specific allegation of firing against Jwala Singh causing death of Vishnu Kumar. He further submits that petitioners were not named in the FIR and their name came in the confessional statement of co-accused Ravi Prakash Singh. He next submits that though in the FIR, it is alleged that it was Saurabh Singh who was apprehended and his confessional statement has not been recorded which creates doubt with regard to the veracity of the allegation. He also submits that it absolutely does not stand to reason that as to why the confessional statement of Saurabh Singh was not recorded and it was only when Ravi Prakash Singh came to be arrested, the name of the petitioners surfaced.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhagwanpur P.S. Case No. 190 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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