

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10992 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- GOPALPUR District- Patna

1. NIRAJ KUMAR, aged about 20 years, Gender-Male, Son of Ramesh Kumar, Resident of Village - Bairiya, P.S.- Gopalpur, Distt.- Patna.
2. NITISH KUMAR, aged about 28 years, Gender-Male, Son of Ramesh Kumar, Resident of Village - Bairiya, P.S.- Gopalpur, Distt.- Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bhaskar Shankar, Advocate
For the Opposite Party : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-03-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Gopalpur P.S. Case No. 258/2021 for the offence registered under Sections 307, 504, 341, 506, 147, 148, 149 of the I.P.C., 25(1-b)a, 26, 27 of the Arms Act and 37(b)(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that on 27.07.2021 the son of the informant, namely, Rajnish Kumar, was going to



the house of his maternal grand mother (*Nani*), in the meantime, all F.I.R. named accused persons including the petitioner came there and surrounded him and started abusing him. In that course, the petitioner ordered co-accused Subodh Kumar @ Pandava to kill him. Upon which, co-accused Subodh Kumar @ Pandava shot fire upon the son of the informant. Upon hearing of sound of firearms, villagers came and caught co-accused Subodh Kumar @ Pandava who was in drunken state. Thereafter, with the help of co-villagers, injured was admitted in the hospital. The reason behind the occurrence was that on 03.07.2021, co-accused Sujit Kumar @ Pandit was robbing the Truck driver which was opposed by the informant.

It has been submitted by learned counsel for the petitioners that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner are alleged to be the members of unlawful assembly. No allegation of assault upon the son of the informant is alleged against the petitioners. The specific allegation of assault is alleged against co-accused, Subodh Kumar @ Pandava who is alleged to have fired upon the victim.



On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve 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 Special Judge, Excise, Patna, in connection with Gopalpur P.S. Case No. 258/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

