

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33984 of 2021

Arising Out of PS. Case No.-645 Year-2020 Thana- ISLAMPUR District- Nalanda

1. RAVINDRA PRASAD @ RAJENDRA PRASAD S/O SOMAR YADAV @ SOMAR GOPE, R/o village- Dhanpat Bigha, P.S.- Islampur, District- Nalanda.
2. MANOJ PRASAD S/O NAGESHWAR PRASAD @ NAGINA YADAV, R/o village- Kharjama, P.S.- Chhabilapur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ravindra Kumar Sinha
For the Opposite Party/s :	Mr.Tarun Prasad Mandal
	Mr. Shyamal Prakash
	Ms. Sushma Kumari

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 28-06-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned counsel for the informant and Mr. J.N. Thakur, the learned Additional Public Prosecutor for the State and .

At the very outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner no. 2 has been arrested, as such, this criminal miscellaneous petition has become infructuous with respect to him. He, therefore, seeks permission to withdraw this petition with respect to petitioner



no. 2.

In view of above submission, **this criminal miscellaneous petition is dismissed as withdrawn with respect to petitioner no. 2.**

So far as petitioner no. 1 is concerned, he apprehends his arrest in connection with Islampur P.S. Case No. 645 of 2020 registered for offence punishable under section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

The informant Sarita Devi is daughter-in-law of deceased Shamu Yadav.

As per allegation, on the day of occurrence, the informant saw that the FIR named accused persons were present in the house of co-accused Pinki Devi. They were hatching plan to commit some serious offence. Deceased Shamu Yadav was irrigating his field. The informant saw Pinki Devi with rifle in her hand. The further allegation is that co-accused Chandu Yadav caught hold the deceased and co-accused Rabindra Prasad son of Ramji Yadav and Amit Prasad son of Pramod Prasad opened fire on the deceased resulting into his instantaneous death. They also fired on the informant, but she was saved luckily. The dead body was sent for *post mortem*.

The learned counsel for the petitioner(s) has



submitted that the allegation of firing on the person of deceased is against co-accused Ravindra Prasad, son of Ramji Prasad and Amit Prasad. The name of the petitioner is also Ravindra Prasad @ Rajendra Prasad and his father name is Somar Yadav @ Somar Gope. He has submitted further that there is no allegation against the petitioner of opening fire or assault to the deceased. He has also submitted that there is delay of two days in lodging the FIR.

On the other hand, the learned counsel for the informant and the learned APP have opposed the prayer for bail. They have submitted that though it is true that the petitioner is not the direct assailant, but as per FIR, he is also amongst the persons, who were hatching conspiracy in the house of Pinki Devi to commit offence. The learned counsel for the informant has submitted next that on similar footing, the anticipatory bail petition of co-accused Naresh Prasad was rejected in Cr. Misc. No. 8473 of 2022, vide order dated 02.03.2022.

Considering the above-mentioned facts and circumstances, specially the fact that the petitioner was one of the perpetrators involved in conspiracy, I do not think it to be a fit case for anticipatory bail and accordingly the prayer for anticipatory bail is rejected.



Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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