

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67208 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- PAWANA District- Bhojpur

1. SATENDRA SINGH Son of Late Ram Pravesh Singh Resident of Village Pawar, P.S. Pawana, District - Bhojpur.
2. Dipu Kumar Son of Satendra Singh Resident of Village Pawar, P.S. Pawana, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Ranjan, Advocate
For the Opposite Party/s	:	Mr.Anant Kumar I, APP
For the Informant	:	Mr.Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, petitioner no.2 is a young boy of 20 years, petitioner no.1 is aged about 55 years and the informant alleges that on 16.08.2021 when her brother-in-law Arjun Singh was removing the centering, an altercation took place between petitioner no.1 and Arjun Singh and thereafter the informant and her husband Birendra Singh went to



pacify the matter on which Shobha Singh, Satyendra Singh, Ravi Ranjan Singh, Jyoti Kumari, Deepa and Deepu (petitioner no.2) came and Jyoti and Deepa pushed the daughter of sister-in-law of the informant namely Lalsa Kumari by holding her hair. Thereafter the petitioner no.1 instigated Ravi Ranjan Singh and petitioner no.2 to fire on which petitioner no.2 brought country made rifle from his house and handed over to Ravi Ranjan Singh who fired from the said rifle on account of which the husband of the informant died instantantly.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the allegation *prima-facie* appears to be inherently improbable and patently absurd, it is next submitted that it absolutely does not stand to reason that as to why the petitioner no.2 after bringing the gun from house would hand over to Ravi Ranjan Singh for firing. Learned counsel further submitted that the informant very wisely and cunningly has falsely implicated the petitioner by alleging that petitioner no.1 instigated on account of which petitioner no.2 went to his house, brought the gun and thereafter handed it over to Ravi Ranjan who committed the occurrence. It is further submitted that it is nothing but an effort on part of the informant to falsely



implicate the entire family members of petitioner no.1, learned counsel further submits that petitioner no.1 is 55 years of age and till filing of the present F.I.R. he was a person with clean antecedent. Learned counsel submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that no specific overt act of assault has been alleged against the petitioners but they have been made accused in the present case in a very wise and cunning manner, as aforesaid.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and submit that there is allegation in the F.I.R. that petitioner no.1 instigated on account of which practitioner no.2 brought the gun from his house and Ravi Ranjan fired causing death of the husband of the informant, it is further submitted that since petitioner no.2 had brought the gun on the orders of petitioner no.1 as such they don't deserve to be enlarged on anticipatory bail.

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 Pawana P.S. Case No. 41 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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