

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68181 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- SAHPUR District- Patna

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1. SHIV BHAJAN RAI S/o Sri Rajeshwar Rai R/o village- Sikandarpur (Nitish Ke Aahar), P.S.- Shahpur, District- Patna
 2. PAPPU RAI S/o Sri Rajeshwar Rai R/o village- Sikandarpur (Nitish Ke Aahar), P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-09-2022 At the outset, learned counsel for the petitioners seeks permission to withdraw this application against petitioner no. 2.

Permission is accorded.

This application is dismissed as withdrawn only against petitioner no. 2.

So far as petitioner no. 1 is concerned, the instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Shahpur P.S. Case no. 122 of 2021 instituted for the offence punishable under Sections 147, 148, 323, 307, 326 of the IPC and Section 27 of the Arms Act.



It is a case of commission of murder by the accused persons of Sujit Kumar by fire shot and informant sustained gun shot injury in his arm.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. From perusal of para 21 and 22 of the case diary, it appears that specific allegation of firing is against co-accused Vinod Rai, who had opened fire upon the neck of Sujit Kumar, who succumbed to the injuries and accused Pappu Kumar had opened fire, which hit the arm of Munna Rai, the informant. There is general and omnibus allegation against he petitioner no. 1. He is a man of clean antecedent.

Learned counsel for the informant and learned APP appearing for the State has opposed the prayer of Bail and submitted that petitioner is named in the FIR.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner no. 1 is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Shahpur P.S. Case no. 122 of 2021, he will be enlarged on bail on furnishing bail bond of Rs.



10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Danapur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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