

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23682 of 2023

Arising Out of PS. Case No.-248 Year-2019 Thana- DIGHWARA District- Saran

1. DAROGA RAI S/O HARICHARAN RAI R/O VILLAGE- SHANKAR PUR, P.S- SHAHPUR, DISTT.- PATNA.
2. GUDDU RAI S/O BHULAN RAI R/O VILLAGE- SHANKAR PUR, P.S- SHAHPUR, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Dighwara P.S. Case No. 248 of 2019, registered for the offence punishable under Sections 302, 34 of the Indian Penal Code read with Section 27 of the Arms Act.

On the alleged date of occurrence, the son of the informant along with his co-villager had proceeded to work as labourer on a boat and around 3:00 pm., the son of the informant along with 15 other labourers had started their journey on the boat from Pahleja to Koilawar and around 5:00 pm., when the boat had reached near Ramdaschak, the accused



persons including the petitioners had called upon them to pay extortion money and subsequently, the co-accused person, namely, Indal Singh, is alleged to have fired gunshot on the son of the informant resulting in his death.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that specific allegation has been levelled against the co-accused person, namely, Indal Singh, of having fired gunshot upon the son of the informant and having killed him, however, as far as the petitioners are concerned, they are not having any complicity in the matter, inasmuch as they have not been alleged to have engaged in any sort of specific overt act.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that the petitioners have neither been alleged to have fired gunshots on the son of the informant nor having engaged in any sort of specific overt act, apart from the



fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VIIth, Saran at Chapra, in connection with Dighwara P.S.Case No. 248 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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