

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23694 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- KHUSRUPUR District- Patna

DEWAN SINGH S/O LATE KATHIN SINGH R/O Village- Lodipur
Mansurpur, P.S- Khusrupur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pushpendra Priyedarshi
For the Opposite Party/s :	Mr.Lalan Kumar
For the Informant :	Mr. Ram Nibash Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

This is an application for grant of anticipatory bail in connection with Khusrupur P.S. Case No. 330 of 2022, registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that the co-accused persons, namely, Rajendra Prasad, Sanjit Kumar, Pankaj Kumar and Bablu Singh, had fired from their arms upon the mother and father of the informant resulting in their death. It is also alleged that the co-accused persons had also engaged in firing from their arms and some other co-accused persons, namely, Ranjan Kumar and Amol Kumar, had shot upon the cousin brother of the informant,



namely, Tuntun Kumar, as also the co-accused person, namely, Mantu Kumar, had fired gunshot on the sister of the informant whereas the co-accused person, namely, Jai Prakash, had shot the cousin brother of the informant, whereupon the co-accused persons, namely, Sanjay Singh, Suresh Singh, Rana Singh, Niranjana Kumar and Gautam Kumar, had attacked the informant and assaulted him with their rifle, however, he managed to escape. As far as the petitioner and one other co-accused person, namely Mithilesh Singh, are concerned, they are stated to be keeping guard in the street.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is 72 years old person, he has not been alleged to have engaged in any sort of specific overt act and has merely been stated to be standing in the street guarding the area, hence, at least, the petitioner is not having any complicity in the matter though the other co-accused persons might be having complicity in the matter and some of them may be the main co-accused persons, who have killed the deceased persons.

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 petitioner, taking into account the materials available on record as also considering the fact that as far as the petitioner is concerned, he is not alleged to have engaged in any sort of specific overt act, he is a 72 years old person and is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Patna City, in connection with Khusrupur P.S.Case No. 330 of 2022, 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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