

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39522 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- RAJAPAKAR District- Vaishali

1. Kunal Kumar S/O Upendra Singh @ Uma Shankar Singh Resident Of Village Kashipur, P.S. Rajapakar (Barati Op), District Vaishali
2. Deepak Kumar S/O Ram Lakhn Prasad Singh Resident Of Village Kashipur, P.S. Rajapakar (Barati Op), District Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners are apprehending arrest in connection with Rajapakar P.S. Case No. 286 of 2022 registered for the offence punishable under Sections 341, 323, 504, 506 / 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the allegation against the petitioners is that they alongwith other co-accused persons came with deadly weapons at the house of the informant on 16.08.2022 at about 8:30 PM when the informant was at her house and fired and they rescued co-accused Rohit Kumar from the police custody who was caught and handed over to the police.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case due to local politics. The allegation against the petitioners is general and omnibus. All the other Sections of the IPC are bailable and Section 27 of the Arms Act is not made out against the petitioners. There is no criminal antecedent against petitioner No. 1. However, there is one criminal antecedent against petitioner No. 2.

5. Learned A.P.P. opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioners shall be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. - IX, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 286 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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