

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37966 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

UDAY SINGH @ UDAY KUMAR SINGH S/o- LATE OMKAR NATH
SINGH Village- Karisath Ps- Udwantnagar Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 10-08-2023 Heard learned counsel for the petitioner and the State.
2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 302, 307, 109, 341, 323, 504, 506, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act.
3. According to F.I.R., on 23.03.2022 at about 7:30 pm, when the informant was talking with his family members, all the accused persons, including this petitioner, came variously armed and thereafter, on orders of Durga Singh, this petitioner, Kanhaiya, Rohit, Vinod, Diwakar, Prabhakar and Vishal came with *lathi* and rod and thereafter, Himachal Singh also came. It is next alleged that this petitioner and co-accused Kanhaiya caught the cousin brother of the informant and his son and then all the accused persons assaulted them with *lathi* and *danda*



causing injury on the head of Ashish and Arvind suffered injury on his back. It is further alleged that Hariom Singh brought his licensed weapon and fired which hit Ram Prakash Singh who was declared dead on arrival in the hospital.

4. It is submitted that specific accusation of causing death of the deceased is against co-accused Hariom Singh. This petitioner is alleged to have assaulted Ashish and Arvind and both of them have sustained simple injuries. It is further submitted that similarly situated co-accused have already been granted bail by co-ordinate Benches of this Court *vide* orders dated 20.10.2022, 29.11.2022 and 30.11.2022 passed in Cr. Misc. Nos. 50579 of 2022, 45641 of 2022 and 44152 of 2022 respectively. Petitioner has got clean antecedent.

5. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwanthnagar (Gajrajganj) P. S. Case No. 128 of 2022, subject to condition as laid down under Section 438(2)



of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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