

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38029 of 2023

Arising Out of PS. Case No.-40 Year-2020 Thana- NAYAGAON District- Saran

Rahul Singh @ Rahul Kumar Singh Son Of Late Shatrughan Singh Resident
Of Village - Dumari, Buzurg, Ps- Nayagaon, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Munna Raj, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 02-08-2023 Heard learned counsel for the petitioners and the learned
Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioner is apprehending his arrest in connection with Nayagaon P.S. Case No. 40/ 2020 registered for the offence punishable under Sections 147, 148, 323, 307 of the Indian Penal Code (for brevity 'IPC') and Section 27 of the Arms Act.

3. The petitioner's prayer for bail was earlier rejected on 04-01-2021 in Cr. Misc. No. 28655 of 2020.

4. Learned counsel for the petitioner submits that the allegation was primarily against co-accused, namely, Vikash Singh, against whom there was allegation of firing, which caused the fire arm injury on the knee of the informant. The said Vikash Singh, has been allowed anticipatory bail on



28-02-2022, in Cr. Misc. No. 7238 of 2021, taking into consideration the compromise between the parties. The petitioner, has thus renewed the prayer for anticipatory bail.

5. After some argument, he submits that he would be availing remedy by surrendering before the Court of learned Additional Sessions Judge-5th, Saran, for taking benefit of the order passed in favour of co-accused, namely, Vikash Singh. This Court in the circumstances, observes that the petitioner's prayer upon surrender is required to be considered without any delay with respect to his claim for parity in the matter of grant of bail with co-accused, namely, Vikash Singh, who was the prime accused, against whom allegation of firing was attributed and who has been granted anticipatory bail.

6. Application is disposed of.

(Madhuresh Prasad, J)

Raj kishore/-

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