

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39389 of 2022

Arising Out of PS. Case No.-288 Year-2022 Thana- BIHTA District- Patna

RAHUL SINGH @ RAHUL KUMAR Son of Satyendra Singh @ Pakpak
Resident of Village - Nathupur, P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40183 of 2022

Arising Out of PS. Case No.-288 Year-2022 Thana- BIHTA District- Patna

1. RAMJEE SINGH @ RAMJEE SHARMA Son of Audhesh Singh @
Abadhesh Singh R/O- Village- Nathupur P.S.- Bihta, District- Patna
2. Kallu Singh @ Sandeep Kumar Son of Ramjee Sharma R/O- Village-
Nathupur P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39389 of 2022)

For the Petitioner/s : Ms.Usha Kumari Singh

For the Opposite Party/s : Mr.Nawal Kishore Prasad

Mr. Piyush Saurav

(In CRIMINAL MISCELLANEOUS No. 40183 of 2022)

For the Petitioner/s : Mr.Mithilesh Kr. Arya

For the Opposite Party/s : Ms.Madhuri Lata

Mr. Piyush Saurav

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 10-01-2023 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as

the learned APP for the State and also heard the learned counsel



for the informant.

The petitioners apprehend their arrest in connection with Bihta P.S. Case No. 288 of 2022 registered for offence punishable under section 302 of the Indian Penal Code.

As per allegation, when the husband of the informant went to ease himself, four named accused persons, including the petitioner caught him hold and Subodh Singh fired shot on him, resulting into his death.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have falsely been implicated. There is a specific allegation to open fire on co-accused Subodh Singh and not on the petitioners.

The learned counsel for the petitioner Ramjee Singh @ Ramjee Sharma has submitted that in paragraph 64 of the case diary, it has come that the son of the deceased himself has stated that the petitioner Ramjee Singh was not involved in the occurrence. He has also submitted that there is land dispute between the co-accused Subodh Singh and the deceased.

On the other hand, the learned APP and the learned counsel for the informant have opposed the prayer for bail and submitted that all the accused persons encircled the deceased when he had gone to ease himself and co-accused Subodh Singh opened fire on him. During investigation, in paragraph 64 of the case



diary, which is supervision note, it has been emerged that the son of the deceased himself has stated that the petitioner Ramjee Singh was not involved in the occurrence.

Considering the aforesaid facts and circumstances, the prayer for **anticipatory bail with respect to petitioner Ramjee Singh @ Ramjee Sharma is allowed. Let him** in her arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S. Case No. 288 of 2022, subject to condition as laid down under section 438 (2) of the Code of Criminal Procedure.

So far as **rest petitioners are concerned**, their prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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