

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37767 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- SHEOHAR District- Sheohar

UMAKANT THAKUR Son of Chandradeo Thakur R/o Village - Madhopur
Chhata, P.S.- Hiramma, Dist.- Sheohar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39634 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- SHEOHAR District- Sheohar

NIRAJ KUMAR Son of Dinesh Prasad Singh Resident of village - Rupwara,
P.S.- Hiramma, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40112 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- SHEOHAR District- Sheohar

PRINCE KUMAR son of Sanjay Kumar Singh @ Sanjay Kumar Village-
Rupwara Ps- Hiramma Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43884 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- SHEOHAR District- Sheohar

MD. BARIK Son of Rasul Miyan Resident of At - Madhopur Chhata, P.S.-
Hiramma, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 37767 of 2023)

For the Petitioner/s : Mr. Prabhat Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
For the Informant : Mr. Rajendra Narayan, Sr. Advocate
Mr. Devendra Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 39634 of 2023)

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 40112 of 2023)

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 43884 of 2023)

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-08-2023 As all these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners, learned APP for the State and learned Senior counsel for the informant.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution case, when the informant's father was coming back from Sheohar, two persons followed him by a motorcycle and the person who was a pillion rider shot at the head of the informant's father, as a result thereof his father succumbed to the injuries on the spot.

5. Learned counsel for the petitioner, in Cr. Misc



No. 37767 of 2023, mentioned in para-3 of the bail application that the petitioner has no criminal antecedent, later on supplementary affidavit is filed on behalf of the petitioner, in which he stated that earlier petitioner was made accused in Tariyani P.S. Case No. 41 of 2017, after investigation final form was submitted by the police against the petitioner, thereafter, protest petition was filed by the informant before the learned C.J.M., Sheohar and learned C.J.M., took cognizance on 25.02.2019 against the petitioner. Thereafter, the petitioner preferred Criminal Revision being Cr. Rev. No. 15 of 2019, against the order dated 25.02.2019 passed by the learned C.J.M., before the learned District & Sessions Judge, Sheohar, in which the learned District and Sessions judge set aside the order dated 25.02.2019 and allowed the revision application on 17.08.2019. Thereafter, the informant has filed quashing application against the order dated 17.08.2019 before this Hon'ble Court being Cr. Misc. No. 83284 of 2019, in which the co-ordinate Bench of this Court has stayed the proceeding of the Court below.

6. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that



the only eye witness of the occurrence is, Pankaj Paswan, with whom father of the informant was moving on his motorcycle on the alleged date of occurrence when two persons came on a motorcycle, who were identified by Pankaj Paswan as Md. Warik, who is alleged to have been driving the motorcycle and Niraj Kumar, was pillion rider who had fired which hit head of the father of the informant. There is no specific overt act against the petitioners of Cr. Misc. No. 37767 of 2023 and 40112 of 2023. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State as well as learned Senior Counsel for the informant opposed the prayer for anticipatory bail and submitted that specific overt act has been attributed against the petitioners. Hence, they do not deserve privilege of anticipatory bail.

8. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners of Cr. Misc. No. 37767 of 2023 and 40112 of 2023, let the above named petitioners of Cr. Misc. No. 37767 of 2023 and 40112 of 2023, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing



bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sheohar P.S. Case No. 15 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. Considering the facts and circumstances of case and the fact that there is specific overt act against the petitioners of Cr. Misc. No. 43884 of 2023 and Cr. Misc. No. 39634 of 2023, I am not inclined to enlarge petitioners Cr. Misc. No. 43884 of 2023 and Cr. Misc. No. 39634 of 2023 on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

(Anjani Kumar Sharan, J)

anand/-

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