

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45479 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- GAYA MUFASIL District- Gaya

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UPENDRA SINGH S/O NATHUN SINGH R/O Village- Imaliya, P.S- Pali,
Distt.- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh
For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-09-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 302, 120(B)/34 of the Indian Penal Code.

3. As per the prosecution case, after relieving from house of his friend, husband of informant reached to have refreshment and as soon as he came out of the house, the informant heard sounds of gunshot. She further alleged that in the light of bulb, she identified some of the F.I.R. named co-accused persons fleeing from the place of occurrence. She claims that the deceased disclosed that F.I.R. named accused persons have shot him.

4. It is submitted on behalf of the petitioner that informant claims to be eye witness of the occurrence but has not seen or named this petitioner as one of the persons fleeing away from the place of occurrence. Petitioner and his entire family



members have been made accused in this case only because family dispute. At best, as per F.I.R. petitioner is only alleged to be conspirator and there is no allegation of any overtact against him. He claims clean antecedent.

5. Learned A.P.P. for the State as well as informant have opposed the prayer for anticipatory bail and submits that during course of investigation,, it has come that this petitioner prior to the incident, has threatened the deceased to execute the sale deed or he will face the consequences. Learned counsel for the informant has further submitted that prior to alleged occurrence, deceased has filed informatory application before the C.J.M., against the petitioner and others.

6. Considering the rival submission of the parties and material available on record and the fact that the petitioner is alleged to be conspirator and there is no material in support of the same except old family di, prayer for anticipatory bail of this petitioner is allowed. Let the petitioner, above named, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned Judicial Magistrate, Ist Class, Gaya, in connection with



Muffasil (Gaya) P.S. Case No. 178 of 2023, subject to condition
as laid down under Section 438(2) of the Code of Criminal
Procedure.

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(Prabhat Kumar Singh, J)

