

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49946 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- KHUSRUPUR District- Patna

MITHILESH SINGH SON OF LATE CHANDI SINGH VILLAGE
LODIPUR, MANSURPUR, PS KHUSRUPUR, DISTRICT PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023

Heard the parties.

The petitioner is in custody in connection with Khusrupur P.S. Case No. 330 of 2022 for the offence under sections 302, 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 27.08.2022 by the informant, Kamlesh Singh.

As per the prosecution story, the specific allegation is against Rajendra Prasad of opening fire hitting the head of informant's mother who died on the spot. Further, three other accused persons opened fire which hit the head of his father who also died on the spot. Thereafter, the accused persons entered the house, vandalized the articles and when his cousin, Tuntun Kumar came to the place, he was also injured on his leg and ankle. Subsequently, his sister, Sonam Kumari received gun



shot injury in her stomach. Most of other accused persons also opened fire hitting the informant's side. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that so far as this petitioner alongwith one Dewan Singh are concerned, allegation in the last part of F.I.R. is that they were present on the road, blocking the same on gun point.

It is his further submission that opening of fire and hitting the persons is/are not attributed to this petitioner and the similar placed co-accused, Dewan Singh who was also alleged to have been standing with this petitioner has since been granted anticipatory bail by a co-ordinate Bench vide Cr. Misc. No. 23694 of 2023.

Let the same be kept on record.

Mr. Jitendra Kumar Singh, learned APP on the other hand, submits that the accused persons killed the parents of the informant both receiving injuries on their head, his sister got injury in her stomach, other cousins also got injured and in that backdrop, he has opposed the prayer for bail.

Though, the crime is heinous, the aged couple one after another were killed due to the firings on the part of the accused persons as also host of other family members of the informant received gun shot injuries, so far as this petitioner is



concerned, the role of opening fire is not attributed to him, allegation is that he was on the road alongwith one Dewan Singh with their respective guns. Said Dewan Singh has since been released, as stated above, this Court is inclined to extend him the privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. 1st, Patna City, in connection with Khusrupur P.S. Case No. 330 of 2022 subject to the following conditions:

(i) both of the bailors should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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