

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56899 of 2023

Arising Out of PS. Case No.-281 Year-2022 Thana- KHUSRUPUR District- Patna

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Aman Kumar Son Of Subali Singh Resident Of Village - Manshoorpur Dih,
P.S. - Khushrupur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Vijay Anand, Advocate Mr. Roop Kishan, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, A.P.P
For the Opposite Party No. 2	:	Mr. Anil Kumar Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 28-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

3. The petitioner is apprehending his arrest in connection with Khushrupur P.S Case No. 281 of 2022 dated 18.07.2022 registered for the offence punishable u/s 341, 323, 307, 504 and 506 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution case, the allegation is that



one Sonu Kumar was going to flour mill who was intercepted by the co-accused Subali Singh. Thereafter, the petitioner and the co-accused opened fire causing injury to the cow of one Naulesh Kumar. Further, the co-accused persons came and resorted to indiscriminate firing causing injury to one Mohan Singh and the co-accused Santosh Singh also caused firearm injury to Shishupal.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The other co-accused persons have already been granted bail by the Co-ordinate Bench *vide* order dated 23.01.2023 passed in Cr. Misc. No. 55732 of 2022. It is further submitted that even the *prima facie* reading of the F.I.R do not disclose any allegation of firing by the petitioner at the informant. The petitioner is accused in two other criminal cases as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner had an intention to kill the informant by firing but malice transferred, leading to the unintended consequence of a cow's death.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna in connection with Khusrupur P.S. Case No. 281 of 2022 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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