

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65219 of 2022

Arising Out of PS. Case No.-226 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

1. Santosh Kumar Singh Son of Late Guptanath Singh R/V- Ghataon, P.O- Fakharabad, P.S- Kudra, Dist- Kaimur (Bhabhua)
2. Avinash Kumar Singh @ Rahul @ Avinash Kumar Son of Santosh Kumar Singh R/V- Ghataon, P.O- Fakharabad, P.S- Kudra, Dist- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-04-2023

It has been contended by the learned counsel for the

petitioners that during the pendency of this case, petitioner no. 2 has been arrested. Accordingly, the petition so far he is concerned has become infructuous.

Heard the parties.

The petitioner no. 1 is apprehending arrest in connection with Kudra P.S. Case No. 226 of 2022 for the offence under Sections 307/34 of the I.P.C. and 27 of the Arms Act, pending in the Court of learned Judicial Magistrate, 1st Class, Kaimur at Bhabua.

The petitioner no. 1 is the father of Avinash Kumar and the vehicle was registered in the name of his son (since arrested).

The prosecution story read as follows;



(i) the informant Ajit Singh gave a written application to the S.H.O. Kudra Police Station on 15/2/2022 to the effect that on 23/08/2022 that he is employee of Dhiraj Repo Agency and when he was standing at village Amirtha near Pusauli, a vehicle No.- BR 45P 5297 came there in which the driver and co-accused Santosh Kumar Singh were sitting. Thereafter he found that the EMI of the vehicle was dues last eight month which is amount of Rs. 1,99,512/-;

(ii) further allegation is that when the informant was preparing inventory, four persons came on Apache motorcycle and one of them namely Avinash Kumar Singh (petitioner) fired upon the informant by pistol and again fired on his elder brother Sonu Singh. In the meantime, after hearing of firing, the informant threw the keys of the vehicle to save his life and escaped from the place of occurrence. As the local people assembled there, accused persons escaped with vehicle from the place of occurrence.

It has been contended by the learned counsel for the petitioner that the anti social elements of the Dhiraj Repo Agency due to pendency of the installments tried to snatch the vehicle of petitioner no. 2 and in the process, they made false allegation of firing, although, the police did not get any empty



cartridge from the said place nor any injury on the employees/anti social elements of the said agency have been attributed.

Considering the kind of allegation that has come against the petitioner as also the fact that intercepting the vehicle only because installment has not been paid and snatching the key is not the legal way to realise the EMI, this Court is inclined to extend the privilege of anticipatory bail to the petitioner no. 1 in the backdrop of the fact that the only allegation against him is that he was sitting in that vehicle beside the Driver.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 226 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Kiran-

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