

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 72061 of 2022**

Arising Out of PS. Case No.-23 Year-2020 Thana- SALIMPUR District- Patna

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RAMDHYAN SINGH @ RAMDHYAN KUMAR S/o Sri Sundar Singh R/o
Village- Chota Hasanpur, Mustafapur, P.S.- Khusrupur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Satya Ranjan Sinha, Advocate

For the Opposite Party/s : Mr Umanath Mishra, APP

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CORAM: HONOURABLE MR JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

6 **17-08-2023** Heard learned counsel for the petitioner and the
learned APP.

2 The petitioner apprehends arrest in Salimpur PS
Case No 23 of 2020 registered for the offence punishable under
Sections 147, 148, 149, 302 of Indian Penal Code and Section
27 of Arms Act.

3 As per the prosecution case, the informant along
with his nephew Niranjana Kumar (deceased) was going to
attend the marriage when they were surrounded by 12 named
and 3 unknown accused persons. It is next alleged that co-
accused Rudal Rai, Nitish Rai, Dhanraj Rai and Mrityunjay
Kumar caught the nephew of the informant and took him in the
field where co-accused Mithilesh Kumar, Satyendra Prasad and



Damru Ram, carrying pistol in their hand, fired killing him on the spot.

4 Learned counsel for the petitioner submits that from perusal of the allegation, as alleged in the FIR, 4 accused persons are alleged to have fired but allegation is not specific. He further submits that allegation of firing is by 4 accused persons but from perusal of the post mortem report, it appears that only two firearm wounds have been found on the deceased. He next submits that informant is not an eye witness and during the course of investigation, Manish (cousin brother of the deceased), Pramod (younger brother of the deceased) and Pramila Devi (mother of the deceased) have specifically stated that it was Rudal Yadav who fired killing the deceased and they have not even suggested that this petitioner fired at the deceased. Lastly, it is submitted that co-accused Mithilesh Kumar @ Mithilesh Singh, having similar and identical allegation, has been granted anticipatory bail by a coordinate Bench of this Court by order dated 27.07.2022 passed in Cr Misc No 37412 of 2021 (Annexure 2).

5 Learned APP has vehemently opposed the prayer for anticipatory bail.

6 Considering the rival submissions, in the event of



arrest/surrender within a period of six weeks from today, the petitioner above named be enlarged on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge V, Barh, District - Patna in Salimpur PS Case No 23 of 2020 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

M.E.H./-

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