

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68739 of 2022**

Arising Out of PS. Case No.-195 Year-2021 Thana- BAKHTIYARPUR District- Patna

1. BABLU KUMAR @ BABLU Son of Bhajan Ray Resident of Village - Teja Bigha, P.S.- Bakhtiyarpur, District - Patna.
2. Dablu @ Ublu Kumar Son of Bhajan Ray Resident of Village - Teja Bigha, P.S.- Bakhtiyarpur, District - Patna.
3. Kamlesh Ray @ Kamlesh Singh Son of Late Kishori Ray Resident of Village - Lodipur P.S.- Khushrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                           |
|----------------------------|---------------------------|
| For the Petitioner/s :     | Mr. Shivendra Kumar Sinha |
| For the Opposite Party/s : | Mr. Jagdhar Prasad        |
|                            | Mr. Amitabh Kumar         |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      24-01-2023      Heard the parties.

Learned counsel for the petitioner seeks permission to withdraw this application as against petitioner no.2, as he has been arrested by the police during the pendency of the bail application.

Permission is granted.

Accordingly, this application as against petitioner no.2 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner no.1 and 3 only.

The petitioners apprehend their arrest in a case registered



for the offence punishable under sections 302 and 34 of the Indian Penal Code and 27 of Arms Act.

The allegation against the petitioners is that they alongwith other co-accused persons armed with deadly weapons surrounded the informant and his brothers. The co-accused namely, Praduman and Bhola caught hold his brother and Devgan Rai fired upon his brother with pistol and due to which his brother died.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific allegation against the petitioners. It is further submitted that the specific allegation is against co-accused namely, Devgan Rai to fire upon the informant's brother, due to which he died. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, let the



above named petitioner nos.1 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bakhtiyarpur P.S. Case No.195 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

**(Anjani Kumar Sharan, J)**

shikha/-

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