

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71765 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- BIDUPUR District- Vaishali

SAURAV KUMAR @ BITTU Son of Subhash Prasad Singh @ Subhash
Singh R/V- Khilwat, P.S- Bidupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bidupur P.S. Case No. 245 of 2021, for the offence registered under Sections 147, 148, 149, 323, 353, 332, 333 and 188 of the Indian Penal Code, Section 27 of the Arms Act and Section 51(1) (B) of the Disaster Management Act, 2005.

The allegation is regarding firing having been resorted to in between two parties and the petitioner is stated to be member of one of the parties, whereupon, the police had arrived and had announced on mike and asked both the parties to stop firing, however, they continued to fire and subsequently, they had fled away, when additional



police force had reached at the alleged place of occurrence. It is the averment of the informant that the occurrence has taken place on account of soil having been extracted and transported from the land in question due to which firing had taken place in between the two parties.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that for the same occurrence, one another case has been lodged in which final form has been submitted by the police as against the petitioner herein and others and apart from the said case, the petitioner is not an accused in any other case. It is also submitted that as far as the petitioner is concerned he is not alleged to have fired or engaged in any sort of overtact and in fact none of the members of the police force have been injured. Lastly, it is submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a Co-



ordinate Bench of this Court vide order dated 01.08.2022, passed in Criminal Miscellaneous No. 2619 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Vaishali at Hajipur in connection with Bidupur P.S.
Case No. 245 of 2021, subject to the conditions as
stipulated under Section 438(2) of the Code of
Criminal Procedure.

(Mohit Kumar Shah, J)

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