

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75227 of 2022

Arising Out of PS. Case No.-678 Year-2022 Thana- BIHTA District- Patna

SACHIN KUMAR S/o Jawahar Rai @ Butai Rai R/o village- Amnabad, P.S.-
Bihta, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Adv. Ms. Usha Kumari Singh, Adv.
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Bihta Police Station Case No. 678 of 2022 dated
13.07.2022, disclosing offences under Sections 302/201/34 of
the Indian Penal Code.

The prosecution story, on the basis of First
Information Report, is that twelve, named accused, persons and
ten to fifteen unknown persons having rifles in their hands
ordered to kill the husband of the informant due to some land
dispute, upon which co-accused Sri Rai, Mandeep Kumar and
Amir Rai fired from the rifle upon the husband of the informant
due which he died.

Learned Senior Counsel for the petitioner submits



that the petitioner has falsely been implicated in this case due to village politics. He next submits that from the perusal of the First Information Report, the specific allegation of firing upon the husband of the informant is upon Sri Rai, Mandeep Kumar and Amir Rai. No overt act has been alleged against the petitioner and similarly situated co-accused persons have been granted bail by Co-ordinate Bench of this Court in Criminal Miscellaneous No. 61696/2022, 3530/2023, 61535/2022 and 74422/2022.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that no overt act has been alleged against the petitioner and specific allegation of firing is upon three other co-accused persons and similarly situated co-accused persons have been granted bail by Co-ordinate Bench of this Court, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate,



Danapur, in connection with Bihta Police Station Case No. 678 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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