

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16727 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- SAMASTIPUR District- Samastipur

Umesh Patel @ Umesh Rai S/O Tej Narayan Ray R/O Village- Bherokhara,
Chandauli, Ward No.-10, P.S- Waini, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-03-2024 Heard Mr. Pramod Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. M. K. Nirala
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Town P.S. Case No. 227 of 2023, registered for the
offences punishable under Sections 324, 326, 307, 120B, 34 of
the Indian Penal Code and 25(1-B)(a), 26, 27, 35 of the Arms
Act.

3. Allegedly while the police personnel were
returning along with the accused persons from the court
after their production, in the meantime, some unknown
criminals intercepted and made open firing due to which
Prabhat Choudhary and Prabhat Kumar have sustained
bullet injuries and they were taken to hospital for
treatment. It is further alleged that criminals were 4-5 in



number, who succeeded in fleeing away after making indiscriminate firing and leaving the arms and ammunition. It is specifically stated that the entire incident has been captured in the CCTV footage.

4. It is submitted on behalf of the petitioner that admittedly the FIR has been instituted against the unknown miscreants, however, during the course of investigation, one Ram Babu Rai was arrested and the name of the petitioner has been disclosed by co-accused Ram Babu Rai and save and except the confessional statement, there is no other material. He further submitted that during the course of investigation the CCTV footage was verified and the petitioner was not found present in the CCTV footage.

5. Considering the afore-noted facts, other co-accused persons, namely, Shiv Ranjan Kumar @ Chhotu and Anand Kumar @ Dablu Singh @ Dablu have been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 7678 of 2024 and Cr. Misc. No. 8407 of 2024 *vide* orders dated 26.02.2024 and 11.03.2024, respectively, copies of which have been taken on record.

6. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the



present case is of a serious nature wherein firing has been made in broad daylight causing injuries to two persons.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has not been identified in the CCTV footage and save except the confessional statement, there is no other material, coupled with the fact that the other co-accused persons have been allowed the privilege of anticipatory bail and the parity demands similar treatment, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Town P.S. Case No. 227 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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