

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21873 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- RAJAPAKAR District- Vaishali

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AMIT KUMAR SON OF DINESH RAI @ DINESH SINGH RESIDENT OF
VILLAGE - SIDHAULI, P.S. - RAJAPAKAR (BASANTI O.P.), DISTRICT -
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar Thakur, Adv.
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP
For the Informant	:	Mr. Navin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 204-04-2024
1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner has preferred this application for grant of regular bail in connection with Raja Pakar (Baranti O.P) PS Case no. 182 of 2023 registered under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act to which section 120B of the IPC was added subsequently.

3. As per the prosecution case, the informant states that the four named accused persons including the petitioner herein and 2 to 3 unknown accused surrounded his son and as a result of 4 to 5 shots fired by Santosh Kumar, his son succumbed to the gun-shot injuries.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. The manner of the occurrence is other than what has been narrated in the FIR. Even accepting the allegations levelled in the FIR for the sake of argument, the overt-act alleged therein is on the co-accused Santosh Kumar and not the petitioner. The petitioner is in custody since 16.08.2023 and charge-sheet has been submitted in the case. The petitioner has no criminal antecedent.

5. Heard learned A.P.P. for the State and learned counsel for the informant.

6. Learned counsel for the informant submits that not only the petitioner is named in the FIR but he is said to have actively participated in the occurrence wherein he along with others including Santosh Kumar, as a result of common intention committed the murder of the informant's son.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., the allegation of firing having been made solely against the co-accused and not the petitioner herein, the petitioner having remained in custody for more than 7 months since 16.08.2023 and the charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Raja Pakar (Baranti O.P) PS Case no. 182 of



2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali, Hajipur.

(Partha Sarthy, J)

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