

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22946 of 2024

Arising Out of PS. Case No.-781 Year-2023 Thana- BIHTA District- Patna

Sunil Kumar Yadav @ Gupta Rai @ Sunil Rai @ Gupta Son of Ramji Rai @
Ramjeet Rai R/o Village- Semra, P.S.- Barhara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Adv.
For the informant	:	Mr. U.K. Singh, Adv.
		Ms. Sunidhi Vimal, Adv.
For the Opposite Party/s :		Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-05-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bihta P.S Case No. 781 of 2023 dated 29.07.2023 registered for the offence punishable u/s 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the co-accused persons and 10-15 unknown persons were illegally mining of sand from the farm of the informant's father and villagers by the Poklan Machine. When the informant father's and villagers objected the



same, all the accused persons started firing. In the meantime, the co-accused *Anish Rai* and *Praveen* fired on the chest of the informant's father.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Learned counsel further submitted that the informant is not the eye witness in this case. The allegation of firing is against the other co-accused Anish Rai and Praveen @ Biru, in this aspect, Section 27 of the Arms Act and Section 302 of the Indian Penal Code is not attracted against the petitioner. No specific allegation has been attributed against the petitioner. The allegations against the petitioner are general and omnibus. The co-accused person has already been granted anticipatory bail by this court vide order dated 26.02.2024 passed in Cr. Misc. No. 7439 of 2024.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, let the above named petitioner, in the



event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Danapur (Patna) in connection with Bihta P.S. Case No. 781 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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