

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23603 of 2024

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

DILIP KUMAR S/O RAMPRIT RAY R/O VILLAGE- KASHIPUR CHAK
BIBI, P.S- RAJAPAKAR, DISTT.- VAISHALI, BIHAR-844502

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Rajapakar (Baranti O.P.) P.S. Case No. 182 of 2023 for the offence registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 26.05.2023 by the informant, Baidhnath Singh.

3. As per the prosecution story, the informant alleged that his daughter was married to late Sudhir Kumar but after the death of his son-in-law, she was always tortured by the in-laws/family members. The allegation is that earlier they committed robbery in the house of his daughter and when this was complained, the accused persons which included this petitioner also surrounded the informant's son, Raju Kumar



Ranjan and specific allegation is against Santosh Kumar, opened fire four to five times with his gun which resulted into death of his son. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that he is neither related with the robbery nor in any way related to the family. How and under what circumstance, his presence has been shown along with the family members, it is not clear but the fact remains that even and otherwise, his role is of being present at the spot while specific allegation is against Santosh Kumar of opening fire, causing instant death of the son of the informant.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that after the death of the informant's son-in-law, the family members continuously used to harass the widow and in continuation of that the killing took place of his son.

6. Though there is an unfortunate killing and also the regular torture/robbery in the house of the widow, the fact remains that specific allegation of opening fire, causing death of the son of the informant is on Santosh Kumar, this petitioner at best was present at the spot, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory



bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar (Baranti O.P.) P.S. Case No. 182 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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