

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29653 of 2024

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

=====

Banty Kumar @ Buntai Rai, aged about 26 years, Male, Son of Mohan Ray @ Mohan Rai @ Mohan Kumar Singh, Resident of Village- Suarmarwa, P.S- Maner, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner	:	Mr. Mohit Shrivastava, Advocate
For the Informant	:	Mrs. Usha Kumari Singh, Advocate
For the Opposite Party	:	Mr. Raj Ballabh Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 26-07-2024 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 offences punishable under Sections 147, 148, 149, 302 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and other co-accused persons were illegally cutting *sand* from the field of the informant's father and the villagers by the *Poklan Machine*. When they objected, all the accused persons started firing on



them. In the meantime, the co-accused Anish Rai and Praveen @ Biru fired on the chest of the informant's father. He was brought to the hospital but on the way, he died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The informant is not an eye witness to the alleged offence. There is no specific allegation against the petitioner. There is general and omnibus allegation against the petitioner. The specific allegation of firing on the informant's father is against the co-accused Anish Rai and Praveen @ Biru Rai. The petitioner is a teacher in a private school and due to village politics, he has been made accused in the present case. The other co-accused person Ajit Kumar @ Ajeet Kumar has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 7439 of 2024 under order dated 26.02.2024, annexed as Annexure-P/3 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances



of the case, 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Danapur, Patna in connection with Bihta P.S. Case No. 781 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

