

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38847 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- PATAHI District- East Champaran

Mukesh Kumar @ Mukesh Sah S/o- Ramlal Sah Village- Tajpur Ps- Sheohar
Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39742 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- PATAHI District- East Champaran

1. Shambhu Rai S/o Shabhapati Rai R/o Village -Gonahi, P.s-Patahi, District-
East Champaran
2. Raviranjana Yadav @ Ravi Ranjan S/o Shambhu Rai R/o Village -Gonahi,
P.s-Patahi, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38847 of 2024)

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 39742 of 2024)

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-08-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for grant
of anticipatory bail apprehending their arrest with connection
with Patahi P.S. Case no. 342 of 2023 registered under sections
302 and 34 of the Indian Penal Code and section 27 of the Arms



Act.

3. As per the prosecution case, the informant states that having heard the sound of firing, he found his brother to have sustained gunshot injury. His brother disclosed that one Shambhu Rai and his son Raviranjana Yadav besides others had shot him. The informant's brother died on way to the hospital.

4. It is submitted by learned counsel for the petitioner in Cr. Misc. no.38847 of 2024 that the petitioner is not named in the FIR. His name transpired in the confessional statement of coaccused Ram Pravesh Rai and Munna Kumar Yadav made before the police in course of investigation and the aforesaid Ram Pravesh Rai has been enlarged on bail vide order dated 19.4.2024 passed in Cr. Misc. no. 30206 of 2024. In any case of the matter even as per the FIR the petitioner is not the assailant of the deceased.

5. Learned counsel for the petitioners in Cr.Misc. no. 39742 of 2024 submits that the petitioners have been falsely implicated in the case. Admittedly, the informant is not an eye witness to the occurrence. Referring to the postmortem report it is submitted that it is not possible that the deceased would have given any statement with respect to his assailants as claimed in the FIR. The petitioners have been falsely implicated in the case. It is submitted that they be enlarged on bail.



6. The application for bail is opposed by learned APP for the State.

7. Having heard learned counsel for the parties and taking into consideration that the petitioner Mukesh Kumar @ Mukesh Sah is not named in the FIR and his name transpired in the confessional statement of Ram Pravesh Ray who has himself been enlarged on bail vide aforesaid order dated 19.4.2023, the petitioner Mukesh Kumar @ Mukesh Sah is directed to be enlarged, in the event of his arrest or surrender before the learned Court below within a period of four weeks, on anticipatory bail in connection with Patahi P.S. Case no.342 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 Chief Judicial Magistrate, East Champaran, Motihari.

8. In view of the facts and circumstances of the case, the petitioner Shambhu Rai and Raviranjana Yadav @ Ravi Ranjan having been named in the FIR by the deceased who has stated that these petitioners fired upon him subsequently resulting in his death, the Court is not inclined to enlarge these petitioners on anticipatory bail and the application is rejected.

9. The petitioners Shambhu Rai and Raviranjana



Yadav @ Ravi Ranjan are directed to surrender in the Court
below within a period of four weeks.

(Partha Sarthy, J)

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