

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44757 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- MAHESHKHUNT District- Khagaria

1. PRITAM KUMAR @ MITHU KUMAR SON OF GOPAL SINGH
RESIDENT OF VILLAGE - PATLA, WARD NO. 16, POLICE STATION -
MAHESH KHUNT, DISTRICT - KHAGARIA
2. SAHIL KUMAR @ CHHOTU @ RAHUL KUMAR SON OF GOPAL
SINGH RESIDENT OF VILLAGE - PATLA, WARD NO. 16, POLICE
STATION - MAHESH KHUNT, DISTRICT - KHAGARIA
3. AJAY KUMAR @ AJAY SINGH SON OF LATE PARMANAND SINGH
RESIDENT OF VILLAGE - PATLA, WARD NO. 16, POLICE STATION -
MAHESH KHUNT, DISTRICT - KHAGARIA
4. RAN VIJAY SINGH SON OF LATE PARMANAND SINGH RESIDENT
OF VILLAGE - PATLA, WARD NO. 16, POLICE STATION - MAHESH
KHUNT, DISTRICT - KHAGARIA
5. RAVISHANKAR @ RAVI SHANKAR KUMAR SON OF RANVEER
SINGH RESIDENT OF VILLAGE - PANHAS, POLICE STATION -
LOHIYA NAGAR, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-08-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case
registered for the offence punishable under Sections 302, 286,
504/34 of the Indian Penal Code & Section 27 of the Arms Act..
3. Learned counsel for the petitioners submits that
petitioner no.1 and 5 are persons with clean antecedent and



petitioner no.2 has antecedent of three cases and petitioner no.4 has antecedent of two cases and the informant alleges that the accused persons came variously armed and Gopal Singh and his wife Mamta gave order to kill, on which, Gopal, Pritam (petitioner no.1), Sahil (Petitioner no.2), Amarjeet, Bittu, Aman, Paramjeet and Rajeev started firing indiscriminately, further, gun shot fired by Gopal hit his father on chest, while firing made by other accused hit his father on his body and his father died. Learned counsel further submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation of firing is alleged against Gopal, Pritam, Sahil, Amarjeet, Bittu, Aman, Paramjeet and Rajeev. It is next submitted that no doubt the father of the informant died and during the course of postmortem report, five gunshot injury was found on his body, two on thigh, two on chest and one on abdominal cavity, as would manifest from Annexure-2 to the anticipatory bail application. It is next submitted that as far as petitioner no.3, 4 and 5 are concerned, they are not alleged to have fired but then they have also been implicated in the instant case along with their family members against whom there is specific allegation of firing. It is also submitted that the specific allegation of firing is against Pritam and Sahil and petitioner



no.3, 4 and 5 have been implicated merely for the reason that they are also family members of Gopal and Mamta. It is also submitted that the petitioners will not abscond rather will co-operate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no.1 and 2, hence their anticipatory bail application is rejected.

6. As far as petitioner no.3, 4 and 5 are concerned, they are directed to be released, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Mahesh Khunt P.S. Case No.212/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the



learned trial court bringing to his notice that the petitioners despite giving assurance to this court are not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

8. Further, if the charge sheet is submitted connecting the petitioners with the offence and thereafter the learned trial court comes to a conclusion that the petitioners are trying to delay the trial in any manner, in that event also, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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