

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42895 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- BIHIA District- Bhojpur

Sintu Kumar Singh @ Sintu Singh @ Situ Singh Son of Surendra Singh R/O
Vill.- Lahang, Dumariya, P.S.- Bihiya, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bihiya P.S. Case No.95 of 2024 instituted under Sections 385, 324, 307 and 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and other accused persons are alleged to have gone to the shop of informant at 2:30 o'clock in the night. Petitioner is alleged to have demanded *gutka* and on refusal, one co-accused Subhash Singh took out a pistol from his waist and fired upon the informant which hit him behind his waist due to which the informant fell down and thereafter the accused persons fled away.



4. Learned counsel for the petitioner submits that except the allegation that the petitioner was present in the shop, there is nothing against him. The specific allegation is against co-accused, namely, Subhash Singh that he fired upon the informant. Co-accused Subhash Singh and the petitioner are co-villagers and due to previous enmity, the petitioner has falsely been implicated in this case. He further submits that it is improbable that the petitioner was present in the shop of informant at about 2:30 o'clock in the night. The petitioner has two criminal antecedents out of which one belongs to Excise Act. The petitioner undertakes to cooperate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. V, Bhojpur at Ara in connection with Bihiya P.S. Case No.95 of 2024 subject to the conditions as laid down in Section



438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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