

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45768 of 2024

Arising Out of PS. Case No.-1164 Year-2023 Thana- ALAMGANJ District- Patna

1. Kunti Devi wife of Late Vijay Choudhary Moh- Gur Ki Mandi, Arfabad Colony, Ps- alamganj Dist- Patna
2. Dilip Kumar@ Dilip Choudhary son of Late Vijay Choudhary Moh- Gur Ki Mandi, Arfabad Colony, Ps- alamganj Dist- Patna
3. Santosh Kumar @ Santosh Choudhary son of Late Vijay Choudhary Moh- Gur Ki Mandi, Arfabad Colony, Ps- alamganj Dist- Patna
4. Bhola Kumar son of Late Vijay Choudhary Moh- Gur Ki Mandi, Arfabad Colony, Ps- alamganj Dist- Patna
5. Rahul Kumar @ Anil Kumar @ Anil son of Dilip Kumar Moh- Gur Ki Mandi, Arfabad Colony, Ps- alamganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar
For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-08-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and Petitioner No. 1 is a woman and the informant alleges that on orders of Ram Kumar, accused Triloki Kumar shot his brother on head and the injured died



on way to hospital, further the petitioners along with named accused persons were also involved in the occurrence.

4. Learned counsel for the petitioners submits that that from perusal of allegation as alleged in the FIR, it would manifest that the informant is an eye witness to the occurrence and is younger brother of the deceased, but then the FIR does not even remotely suggest that petitioners were present at the place of occurrence along with the other named accused. It is next submitted that petitioners came to be implicated for the reason that they are neighbours of the informant and are having dispute. It is further submitted that informant himself is an accused in Alamganj PS case no. 34 of 2021 in which charge-sheet has been submitted by the police. It the further submitted at the cost of repetition that the specific allegation of firing is against Triloki and the petitioners came to be implicated with general and omnibus allegation. It is further submitted that petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submission of the learned counsel for the petitioners that no specific allegation is alleged against them rather specific allegation of firing is against Triloki.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event



of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Alamganj P.S. Case No. 1164 of 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 its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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