

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49023 of 2024

Arising Out of PS. Case No.-437 Year-2023 Thana- KHAIRA District- Jamui

-
1. Umesh Singh @ Umesh Kumar Singh S/O Late Kameshwar Singh R/O Village-Dhobghat,P.S.-Khaira, Distt-Jamui
 2. Nasheeb Kumar Singh @ Naseem Singh @ Babu S/O Umesh Singh @ Umesh Kumar Singh R/O Village-Dhobghat,P.S.-Khaira, Distt-Jamui
 3. Bulet Singh @ Bittu Singh S/O Umesh Singh @ Umesh Kumar Singh R/O Village-Dhobghat,P.S.-Khaira, Distt-Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Saket Tiwary, Advocate
For the State	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Prabhat Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-09-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302, 201 and 120B of the Indian Penal Code.

3. As per prosecution case, on the alleged date and time of occurrence, while the informant and her five year old son were playing in front of their house, in the meanwhile, it is alleged that Petitioner Nos. 1 and 2 were keeping a watch on them. It is further alleged that Petitioner No. 3 took away son of informant and thereafter, Petitioner No. 3 caught hold of mouth of son of informant and co-accused Priyanshu Kumar and Vishal



Singh came with spade and hit on neck of son of informant as a result of which, son of informant died.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have falsely been implicated in this case. There is no specific accusation of overt act against Petitioner Nos. 1 and 2 and they are only alleged to be keeping on watch on informant and her son. It is further submitted that Petitioner No. 3 is only alleged to have caught hold of son of informant and it was co-accused Priyanshu Kumar and Vishal Singh who assaulted son of informant as a result of which he died. Petitioners claim clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R.. It is further submitted that informant is an eye witness of the occurrence and it was Petitioner No. 3 and co-accused Priyanshu Kumar and Vishal Singh who committed murder of five year old son of informant.

6. Considering the aforesaid facts and circumstances and the fact that since there is specific allegation that Petitioner



No. 3, along with other co-accused persons, committed murder of son of informant, the prayer for grant of anticipatory bail to Petitioner No. 3 is rejected.

7. So far as Petitioner Nos. 1 and 2 are concerned, considering the nature of accusation and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to Petitioner Nos. 1 and 2 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner Nos. 1 and 2 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Khaira P.S. Case No. 437 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

shashank/-

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

