

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54788 of 2023

Arising Out of PS. Case No.-221 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

NITESH KUMAR S/O SATYENDRA KUMAR @ SATYENDRA SINGH
R/O VILLAGE- KUSUMHI, UDWANTNAGAR , PS-, DIST. BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

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

Mr.Ravindra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in Udwantnagar P.S. Case No. 221 of 2021 registered for the offences punishable under Sections 341, 323, 307, 302, 504, 506, 34 of the Indian Penal Code and under Section 27 of Arms Act.

3. Allegedly, all the accused persons including the petitioner are said to have surrounded the informant and his family members and caught Collector Singh on gun point and on instigation of one Shiv Shankar Singh, co-accused Jitendra Singh fired upon Collector Singh causing injury to him. When the informant and his father Suresh Singh tried to escape from there, co-accused Harendra Singh and Hareram Singh restrained them from escaping and co-accused Satendra Singh fired on right side of body of Suresh Singh resulting in his instant death



at the place of occurrence itself. The informant and others brought Suresh Singh and Collector Singh to Sadar Hospital Ara where the doctor declared Suresh Singh dead and referred Collector Singh to Patna for better treatment where he died during the course of his treatment.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He is a student. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is specific allegation against co-accused Jitendra Singh and Satendra Singh to fire upon the deceased. At best, petitioner can be said to be a member of the mob. There is no specific overt act against him. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that petitioner is named in the FIR and allegedly, he has actively participated in the alleged occurrence. Hence, he does not deserve the privilege of anticipatory bail.



6. Having regard to the facts and circumstances of the case as well as considering the nature of the offence, as two persons died in the alleged occurrence, I am not inclined to enlarge him on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that there is no specific overt act against the petitioner.

(Anjani Kumar Sharan, J)

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