

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69867 of 2023

Arising Out of PS. Case No.-999 Year-2022 Thana- BIHTA District- Patna

Umashankar @ Sipahi Ji @ Umashankar Rai @ Sipahi Rai Son of Late Jiram Rai @ Jairam Rai @ Siyaram Rai R/o vill - Suarmarwa, P.S. - Maner, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Argawal, Sr. Adv. Mr. Purusottam Kumar, Adv. Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-01-2024 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Bihta P.S. Case No. 999 of 2022 dated 29.09.2022, registered for the offence punishable u/s 147, 148, 149, 307, 379, 120(B), 160, 216 and 302 of the I.P.C. and Section 27 of the Arms Act, pending in the court of learned A.C.J.M. I, Danapur.

3. On 29.09.2022 at about 11:40 am, informant received a secret information that at Sone Diara near Kawariya Ghat firing is going on between two groups to assert supremacy over sand mining. When the informant reached at the place of occurrence, all of them fled away. Local Chaukidar and



villagers named all the F.I.R. named accused persons including this petitioner and in this cross firing, four persons were killed.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has been falsely implicated in this case due to previous grudge. The allegations levelled against the petitioner is general and omnibus in nature. He further submitted that petitioner was not present when the occurrence took place rather he was in judicial custody. A Criminal Writ Petition has been filed before this Court bearing Cr.W.J.C. No. 1338 of 2016 for proper investigation of the case against the petitioner. The petitioner has no concern with the alleged occurrence. He further submitted the similarly situated co-accused persons have been granted bail by this Court. Petitioner has eleven criminal antecedents as mentioned in para 3 of the bail application.

5. Per contra, learned APP for the State vehemently opposed the bail petition submitted that the allegations levelled against the petitioner is serious in nature, petitioner has eleven criminal antecedent. It is not fit case to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of case, considering the criminal antecedents of the petitioner, I am not



inclined to enlarge the petitioners on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the 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 similarly situated co-accused have been granted anticipatory/regular bail by this Court.

(Anjani Kumar Sharan, J)

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