

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71901 of 2024

Arising Out of PS. Case No.-311 Year-2024 Thana- KHUSRUPUR District- Patna

1. Dilip Kumar Son of Late Arjun Sao Resident of village - Govindpur Tola, Police Station - Khushrupur, District - Patna.
2. Kanhaiya Kumar Son of Late Arjun Sao Resident of village - Govindpur Tola, Police Station - Khushrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Khushrupur PS Case No.311 of 2024 dated 19.07.2024, instituted under Sections 126(2), 115(2), 352, 351(2), 109 and 3(5) of the (Indian Penal Code) BNS Act and Section 27 of the Arms Act.

3. The prosecution story, in brief, is that on 19-07-2024 the construction work was being done on the *Raiyati* land of the informant, where a bamboo pandal was being made. When the informant and other family members have seen the above act, they made protest then accused persons including the petitioners resorted to six rounds of firing and they



tried to kill them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that specific allegation of firing is against co-accused, namely, Vishal Kumar and Guddu Kumar. It is submitted that prior to the present case, brother of the petitioners, namely, Guddu Sao has filed a Khushrupur PS Case No. 310 of 2024 under Sections 126(2) 115(2),352, 351(2), 109, 3(5) of the B.N.S. Act and Section 27 of the Arms Act against the present informant and other accused persons and in retaliation of the same, the present case has been lodged against the petitioners. It is submitted that the mother of the petitioners has died/killed by the unknown persons on 10-07-2024 in the night in suspicious circumstances as their mother was residing at her village alone, the petitioners and other family were residing at Delhi for livelihood. On this information the petitioners and entire family came to village and started function of *Sradh* ceremony. It is further submitted that brother of the petitioners, namely, Vishal Kumar had filed a complaint case against the informant's side on 18-07-2024 *vide* Complaint Case No. 773 of 2024 under Sections 103,115(2), 3(5) of the B.N.S. Act, due to which the informant's side were infuriated and



disturb the *Sradh* ceremony. It is next highlighted that from perusal of the FIR, it appears that no person has received injury. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has vehemently opposed the prayer for bail.

6. Having considered 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 petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM 1st Class Patna City, Patna, in Khshrupur PS Case No.311 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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