

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82488 of 2023

Arising Out of PS. Case No.-229 Year-2009 Thana- BARHARA District- Bhojpur

Bablu Singh @ Rohit Kumar Son Of Ramesh Singh R/O Village - Laharpa,
P.S.- Agiaon (GARAHANI), District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Makardhwaj Upadhyay, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned senior counsel appearing on behalf of
the petitioner and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Session Trial No. 174(A) of 2013 arising out of Barhara P.S. Case No. 229 of 2009, registered for the alleged offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, the petitioner and other co-accused persons variously armed with different firearms, opened fire on the chest of father of the informant. The allegation against the petitioner is that he caught hold of the waist of father of the informant and thereafter co-accused Vipul Singh opened fire.



04. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. After investigation, the police did not send up the petitioner to face trial and submitted charge-sheet only against co-accused Deo Ballav Singh. The said co-accused was granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.04.2010 passed in Criminal Misc. No. 43947 of 2009 during pendency of the case and later on, the said co-accused was acquitted. The prosecution, after about four years of filing of the charge-sheet, filed a petition on 10.03.2014 praying therein to take cognizance against all the F.I.R. named accused persons including the petitioner. The said petition was rejected by the Additional Sessions Judge-I, Ara on 20.05.2014. The informant challenged the said order before this Court in Criminal Misc. No. 49332 of 2014 and vide order dated 20.06.2019, the said Criminal Misc. petition was allowed and thereafter, the cognizance was taken against the petitioner and three other co-accused persons. Learned senior counsel further submits that it is clear from the F.I.R. that the petitioner is not the assailant of the father of the informant nor specific over act has been alleged against him for causing any injury to the deceased. The allegation against the petitioner for catching hold



of the waist of the father of the informant is not believable since no person in his sense would catch hold the waist of the person who is being fired upon by the other persons. Even otherwise there is no direct or circumstantial material against the petitioner. The petitioner is having criminal antecedent of one more case.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioner is named in the F.I.R with specific allegation.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the chronology of the events and also considering the fact that the petitioner was arraigned as accused after the cognizance was taken by the court and also considering the grant of anticipatory bail to the co-accused and his subsequent acquittal, the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Bhojpur at Ara/concerned court in connection with Sessions Trial No. 174(A) of 2013 arising out



of Barhara P.S. Case No. 229 of 2009, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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