

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82378 of 2023

Arising Out of PS. Case No.-301 Year-2023 Thana- CHAKIA District- East Champaran

Rahul Singh @ Abhishek Kumar @ Mukhiya, Male, aged about 35 years, Son of Bachcha Prasad Thakur, R/o vill - Khajuriya, P.S. - Govindganj, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ravindra Kumar, Advocate
For the Informant	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chakiya P.S. Case No. 301 of 2023 dated 21.08.2023 registered for the offences punishable under Sections 302, 120B of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the informant alongwith his son had gone to buy some vegetables, in the meantime, the two co-accused persons, Rupesh Singh and Pushkar Singh came on a motorcycle and fired on the son of



the informant. While the informant was taking his son to the hospital, her injured son told her that the co-accused Pushkar Singh shot him, who is the nephew of criminal Kunal Singh, who believed that the informant's son was behind his arrest. Also, the informant's son had tendered for contract due to which the petitioner (Mukhiya) and the co-accused Deva Gupta were annoyed and were threatening him to kill. Lastly, the informant's son in grooming sound screamed that Deva Gupta has not done good. The son of the informant was declared dead in the hospital.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that due to political rivalry the petitioner has been made accused in the present case as the wife of the petitioner happens to be the Mukhiya of Gram Panchayat, Bahadurpur under Areraj Block and the popularity of the petitioner was growing day by day which caused annoyance to the political rivals and hatched conspiracy alongwith local administration to tarnish his image. It is submitted that the allegation is that Kunal Singh was inimical term with the informant' son with whom the



petitioner has no concern and so far participating in the tender is concerned, the petitioner is not the bidder in the tender. It is further submitted that the police received information on 20.08.2023 at 6.45 O'clock that the informant's son has been killed by miscreants for which Sanha No. 623 was registered and proceeded for its verification whereas the witnesses who were present at the place of occurrence, said that the informant's son was shot by the two motorcycles borne miscreants. It is further submitted that the alleged occurrence took place on 20.08.2023 at 6.45 A.M. whereas the F.I.R. was lodged on 21.08.2023 at 9.10 O'clock. It is further submitted that the specific allegation of firing on the deceased is against the co-accused Pushkar Singh and Rupesh Singh and the name of the petitioner has been added in the present case with aid of Section 120B of the I.P.C. without iota of evidence of prior meeting of mind. The name of the petitioner has sprung up in the present case on the basis of the confessional statement of the co-accused with whom the petitioner has no concern. The petitioner has eight criminal antecedents as stated in paragraph no. 3 of the bail



application.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. It is further submitted by learned counsel for the informant that the co-accused Pushkar Singh and Rupesh Singh under conspiracy of this petitioner, murdered the son of the informant.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation of firing against the co-accused persons and not against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, East Champaran, in connection with Chakiya P.S. Case No. 301 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(I) The petitioner is directed to remain physically present before the learned Court



below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

II. If the petitioner is found involved in any other similar nature of case in future, the prosecution will have liberty to move for cancellation of his bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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