

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66669 of 2024

Arising Out of PS. Case No.-482 Year-2023 Thana- SAUR BAZAR District- Saharsa

1. RADHE SHYAM SAH S/o- Late Laxmi sah R/o- W.No-18, Golma Ps- Saur Bazar Patarghat OP Dist- Saharsa
2. Daulat Kumar Son of Radhe Shyam Sah R/o- W.No-18, Golma Ps- Saur Bazar Patarghat OP Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 21-02-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners are apprehending their arrest in Sour Bazar P.S. Case No. 482 of 2023 registered under Sections 341, 323, 302, 379, 504, 506/34 of the Indian Penal Code and 25(1-b)a, 27 of the Arms Act.

3. As per allegation, while Urmila Devi was going to deposit money in Bank of India, Golma Branch, in the way, eight named accused persons surrounded her and co-accused Dilkhush Kumar fired upon her, which hit her temporal region and she died.

4. Learned counsel for the petitioners has submitted that



the petitioners are innocent and have falsely been implicated in this case. During investigation, no material emerged against them and the investigating authority submitted final form differing whereof, learned Magistrate has taken cognizance. Drawing my attention towards paragraphs-10, 11, 13 & 18 of the case diary, learned counsel for the petitioners has submitted that the witnesses are unanimous in stating that the co-accused Dilkhush Kumar fired shot on petitioner No. 2 which hit the deceased, Urmila Devi and she died. The confessional statement of co-accused Dilkhush Kumar has been recorded in paragraph-21 of the case diary and in his confessional statement, Dilkhush Kumar himself has stated that he fired targetting Daulat Kumar (petitioner No. 2) due to previous dispute but the fire escaped the target and it hit the deceased.

5. On the otherhand, Mr. J. N. Thakur, learned Additional Public Prosecutor has opposed the prayer for anticipatory bail.

7. It appears that in the entire case diary, no substantive material has emerged out against the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa in connection with Sour Bazar P.S. Case No. 482 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nawneet Kumar Pandey, J)

A.K.V.//-

U		T	
---	--	---	--

