

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70497 of 2024

Arising Out of PS. Case No.-702 Year-2023 Thana- FATUA District- Patna

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1. LAL BABU KUMAR @ LAL BABU S/o LATE JAY SINGH R/o Village-Surgapur PS - Fatuha Dist- Patna
 2. Suraj Kumar @ Suraj Yadav Son of Sri Bhikhari Singh R/o Village-Surgapur PS - Fatuha Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sindhu Krishna, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-01-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 14.09.2023, at about 10:00 p.m., when she was at her home and her elder son Pradeep Kumar was coming back after milking the cattle, when outside the village near a school, 13 named accused persons including the petitioners waylaid him with rifle and katta and started indiscriminate firing on him



causing injury on chest leading to his death. Further, the occurrence is alleged to have taken place on account of dispute relating to land.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the instant case by the informant who is not an eyewitness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that though there is an allegation of indiscriminate firing but then the deceased only suffered one firearm injury on chest. It is further submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Fatuha



P.S. Case No. 702 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

8. It is made clear that if the charge-sheet is submitted against the petitioners connecting them with the offence then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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