

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75436 of 2024

Arising Out of PS. Case No.-287 Year-2017 Thana- GARKHA District- Saran

1. Rupesh Kumar Singh @ Shambhu Nath Kumar Son of Shilanath Singh @ Sri Shila Nath Singh Resident of Viillage- Mohammadpur, P.S.- Garkha, Distt.- Saran
2. Indra Mani singh @ Indramani Son of Krishna Singh Resident of Viillage- Mohammadpur, P.S.- Garkha, Distt.- Saran
3. Kabindra Singh Son of Mahendra Singh Resident of Viillage- Mohammadpur, P.S.- Garkha, Distt.- Saran
4. Pankaj Singh @ Pankaj Kumar Son of Kameshwar Singh Resident of Viillage- Mohammadpur, P.S.- Garkha, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

Mr. Ghanshyam Tiwary, Adv. for Informant

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 17-04-2025 At the outset, learned counsel for the petitioners seeks permission to withdraw this bail application so far as petitioner no. 1 (Rupesh Kumar Singh @ Shambhu Nath Kumar) is concerned.

2. The anticipatory bail petition stands dismissed, so far as petitioner no. 1 is concerned.

3. The petitioners (i.e. petitioner nos. 2 to 4) apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.



4. The brief fact of this case is that while informant and his Samadhi were on way to Chapra Court on two separate motorcycle and informant moved to petrol pump to take fuel in the motorcycle, whereas his Samadhi proceeded, in the meantime, the informant heard the sound of firing and as such, he rushed at the spot and saw that all the F.I.R. named accused persons including petitioners and 2-3 unknown, riding on a Scorpio vehicle, were firing indiscriminately on his Samadhi and when informant raised alarm, then all the accused persons fled away from spot and when Samadhi of informant brought to Sadar Hospital, the doctor declared him dead.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case due to previous enmity. Petitioners have been made accused only on suspicion. After investigation, the investigating officer submitted final form exonerating the petitioners, vide Charge-sheet No. 114 of 2021 dated 15.04.2021 (Annexure P/3), which was accepted by the learned Judicial Magistrate 1st Class, Saran and found no prima facie case against petitioners to take cognizance, vide order dated 22.07.2021. Thereafter, being aggrieved by the order of the learned Magistrate, the informant preferred Criminal Revision No. 109 of 2021 before the learned



Sessions Judge, Saran and in pursuance to the order dated 14.12.2021 passed in said criminal revision, the learned Court below, vide its order dated 27.05.2022, took cognizance against petitioners and others. Learned counsel for the petitioners further submits that there is no specific allegation of overt act against these petitioners, rather the allegation is general and omnibus. Though, there is allegation of firing against all the seven accused persons, but only three injuries have been found on the person of deceased.

6. Learned A.P.P. for the State and learned counsel for informant vehemently opposed the prayer for anticipatory bail and submitted that petitioners are named in the F.I.R. with specific accusation that they committed murder of deceased by fire-arm.

7. Considering the aforesaid facts and circumstances, in the event of their arrest/surrender within a period of eight weeks from today, let the petitioner nos. 2, 3 and 4, as named above, be enlarged on 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 District Judge – VII, Saran at Chapra in connection with Garkha P.S. Case No. 287 of 2017, subject to condition as laid down under



Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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