

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13821 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- KHUSRUPUR District- Patna

1. Santosh Kumar S/o Vijay Singh R/o Chhoti Kali Sthan, Chakhusain, P.S.-Khusrupur, District-Patna.
2. Shambhu Kumar S/o Arun Prasad Singh R/o vill - Chainpur, P.S.-Khusrupur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv
For the State : Mr.Nirmala Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 15-04-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in connection with Khusrupur P.S. Case No. 238 of 2023 registered for the offences punishable under Sections 307,120 of the Indian Penal Code and section 27 of the Arms Act.

3. The petitioners along with other co-accused are said to have made indiscriminate firing on account of land dispute. The name of the petitioners appears at serial no. 7 and 8 of the FIR which has been disclosed by the local chaukidar.

4. Learned counsel for the petitioners submits that no such occurrence, as alleged, ever took place and the petitioners



have been falsely implicated in this case. Learned counsel for the petitioner further submitted that there is general and omnibus allegation in the FIR and no recovery has been made from the physical and conscious possession of the petitioners. Further no person is said to have sustained injury in the entire transaction.

5. The learned counsel for the petitioner also draws the attention of this Court to the order passed in Cr. Misc. No. 11811 of 2024 vide order dated 22.02.2024 whereby, in the connected case lodged by the Vinay Kumar Sinha which arises out of the same incident, the petitioners have already been granted privilege of anticipatory bail. It has also been submitted that other co-accused of the case namely, Niraj Kumar Gupta, Sunny Kumar and Rampravesh Kumar have already been granted privilege of anticipatory bail vide order dated 16.12.2024 passed in Cr. Misc. No. 84046 of 2024 and order dated 19.12.2024 passed in Cr. Misc. No. 87555 of 2024 respectively.

6. Learned APP for state opposes the bail application and submits that petitioner has three criminal antecedents to which the learned counsel responds by stating that all the three cases are instituted either by the same informant or at his



instance.

7. Considering the facts and circumstances, I am inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, in the event of their arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Patna city in Khusrupur P.S. Case No. 238 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioners shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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