

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1415 of 2025

Arising Out of PS. Case No.-93 Year-2023 Thana- MAHINDWARA District- Sitamarhi

Devesh Kumar @ Chhotu Son of Jatashankar Rai Resident of Vill- Batrauli,
P.S.- Mahindwara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Ms. Anita Kumari, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-04-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act and subsequently, Section 302 of the Indian Penal Code was added.

3. The prosecution story, in nutshell, is that informant, namely Mitesh Kumar, alleged that on 22.05.2023 at around 12 in the midnight, while attending an orchestra programme at house of one Channi Rai, all the accused persons named in the F.I.R., including this petitioner, forcefully got him off the stage and co-accused Raj Kumar fired from his pistol causing gun shot injury upon his chest.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is not named in the F.I.R.. Name of petitioner transpired during course of investigation on the basis of video footage which is alleged to have been handed over by the father of the deceased (informant) in which it is alleged that the deceased and his aides are seen doing celebratory firing and this petitioner was also seen carrying a local made pistol which was thrown by him at the ground and the same was picked up by co-accused Raj Kumar and gun shot was fired, which hit the deceased. It is further submitted that even if the alleged video footage provided in the pen drive is taken into consideration, there is no allegation that this petitioner has fired or has made done any overt act. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named



petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Sitamarhi in connection with Mahindwara P.S. Case No. 93 of 2023, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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