

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44761 of 2014

Arising Out of PS.Case No. -170 Year- 2013 Thana -NAUGACHIA District- BHAGALPUR

Rana Singh @ Ranvir Kumar Singh , son of Niranjan Singh, resident of
village – Hajarpur Tola Sripur, P.S. – Naugachia, District Bhagalpur
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

with

Criminal Miscellaneous No.44891 of 2014

Arising Out of PS.Case No. -170 Year- 2013 Thana -NAUGACHIA District- BHAGALPUR

S.P. Singh @ Suraj Kumar Singh, son of Niranjan Singh, resident of
village Hajarpur Tola, Sripur, P.S. Naugachia, District Bhagalpur
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.44761 of 2014)

For the Petitioner/s : Mr. Niraj Kumar Yadav

For the Opposite Party/s : Mr. L.K. Sharma (App)

(In Cr.Misc. No.44891 of 2014)

For the Petitioner/s : Mr. Niraj Kumar Yadav

For the Opposite Party/s : Mr. L.K.Sharma(App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 04-02-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor.

In both the aforesaid petitions petitioners have prayed
for grant of bail in connection with Naugachia P.S. Case No. 170
of 2013 (G.R. No. 930 of 2013) registered for the offence under
Section 302, 307 / 34 of the Indian Penal Code and Section 27 of
the Arms Act.

Learned counsel for the petitioners at the very outset submits that one of the co -accused namely Niranjn Singh has been extended the privilege of bail by this court by order dated 24/7/2014 passed in Cr. Misc. No.13206 of 2014 and submits that since case of petitioners stands on similar footing both the petitioners may be extended the privilege of bail.

On perusal of the F.I.R. it is evident that there is specific allegation against petitioner S.P. Singh @ Suraj Kumar Singh who, prior to the occurrence, was assaulted by Barat party which was led by deceased Rajesh Kumar and after the Barat arrived and they were taking meal in late night both the petitioners along with Niranjn Singh arrived there and started searching Rajesh Kumar and immediately thereafter the petitioner of the 2nd Case namely S.P. Singh fired on Rajesh Kumar who after receiving injury tried to flee away but after some distance he fell down. In the occurrence it was alleged that other two accused persons i.e. petitioner in the 1st case namely Rana Singh @ Ranvir Kumar Singh and Niranjn Singh also fired and on their firing one other person received injury. It has been emphatically argued that the injured was examined during investigation, who had not whispered regarding the involvement of either of the petitioners.

After hearing the parties and considering the material available on record, the court is of the opinion that case of petitioner of 1st case i.e. Rana Singh @ Ranvir Kumar Singh appears to be almost similar to the case of Niranjana Singh who has been granted bail.

So far case of S.P. Singh @ Suraj Kumar Singh is concerned, there is specific accusation against him that prior to the occurrence there was some scuffle with the petitioner and deceased and thereafter, in a well designed manner, he subsequently killed the deceased. Accordingly the case of S.P. Singh is not exactly similar to the case of Niranjana Singh and as such the prayer for bail of S.P. Singh @ Suraj Kumar Singh stands rejected.

So far as case of Rana Singh is concerned, keeping in view the similarity in the nature of allegation with the case of Niranjana Singh, who has been granted bail vide Cr. Misc. No. 13206 of 2014, he is extended the privilege of bail.

The petitioner, Rana Singh @ Ranvir Kumar Singh in Cr. Misc. No. 44761 of 2014 is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Naugachia, Bhagalpur, in connection with Naugachia

P.S. Case No. 170 of 2013 with a condition that one of the bailors must be blood relative of the petitioner and secondly during the trial, on each and every date, he shall remain physically present before the trial court. If continuously on two dates, he fails to appear without prior permission of the trial court, his bail bond shall stand automatically cancelled.

So far case of S.P. Singh is concerned, it was informed that charge sheet has already been submitted. Accordingly, the learned court below may take appropriate steps, so that, compliance of provision under Section 207 of the Cr.P.C. may be done without any delay and take further steps without any delay for committing the case.

(Rakesh Kumar, J)

Praful/-

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