

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47298 of 2016

Arising Out of PS.Case No. -68 Year- 2015 Thana -JAMALPUR District- DARBHANGA

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1. Sanjeev Kumar Singh @ Sabdul @ Sanjeev Singh, S/o Uma Shankar Singh
 2. Rahul Kumar Singh, S/o Ramashankar Singh
- Both are resident of village-Goramansingh, P.S.-Jamalpur Bargaon O.P. District-Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 14-12-2016 Heard the learned counsel for the petitioners and the learned A.P.P. representing the State.

The petitioners seek anticipatory bail in connection with Jamalpur P.S. Case No. 68 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 379, 504, 307 of the Indian Penal Code and subsequently, Section 302 of the Indian Penal Code was also added.

Allegedly, the petitioners and other F.I.R. named accused persons came being armed and started abusing the informant. Uma Shankar Singh gave order to kill him and then all started assaulting with fists, slaps, leg and iron rod. The petitioner No. 2, namely, Rahul Kumar Singh, and one Pranav



Singh assaulted him with an intention to kill with iron rod on his body causing fracture of his five ribs and all assaulted brutally causing injury to him.

Submission is of false implication and that the petitioners have been made victim of the circumstances, no injury as alleged has been caused to the informant and he might have received injuries in another incident. The informant was firstly treated at Primary Health Centre, Biraul, from where he was discharged and in this regard, under R.T.I. Act, information has been given and this goes to show that only two injuries have been found by the Medical Officer, Primary Health Centre, Biraul, which are abrasions to show the allegation that he was referred from Biraul to Darbhanga, appears not reliable.

The learned A.P.P. opposes the prayer of bail but fairly, submits that the prayer of anticipatory bail of co-accused Ramashankar Singh and Rohit Kumar Singh have been allowed by another co-ordinate Bench of this Court vide Criminal Miscellaneous Nos. 34180 of 2015 and 19375 of 2016 and the case of the petitioner No. 1, namely, Sanjeev Kumar Singh @ Sabdul @ Sanjeev Singh is similar to those co-accused, but the case of the petitioner No. 2, namely, Rahul Kumar Singh, is on different footing.



In the facts and circumstances stated above, the petitioner No. 1, namely, Sanjeev Kumar Singh @ Sabdul @ Sanjeev Singh, in case of his arrest or surrender before the court below within one month from the date of receipt / production of a copy of this order shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Darbhanga in connection with Jamalpur P.S. Case No. 68 of 2015, subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

So far the prayer of bail of petitioner No. 2, namely, Rahul Kumar Singh, is concerned, considering the allegation attributed against him, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Jamalpur P.S. Case No. 68 of 2015 pending in the court of learned Judicial Magistrate, First Class, Darbhanga.

(Jitendra Mohan Sharma, J)

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