

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14938 of 2016

Arising Out of PS.Case No. -201 Year- 2013 Thana -DIGHWARA District- SARAN

- =====
1. Manoranjan Kumar @ Manoranjan Singh, Son of Sri Om Prakash Singh
 2. Prince Kumar @ Bipul Singh, Son of Sri Chandraprakash Singh
- Both are resident of village Sitalpur Babu Tola, P.S. Dighwara, District – Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 11-04-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 307, 379, 504, 427/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that co-accused Om Prakash Singh, Chandra Prakash Singh, petitioners Manoranjan Singh and Bipul Singh surrounded the informant and started abusing him. Co-accused Chandra Prakash Singh took out Rs.3705/- from the pocket of the informant whereas petitioner no. 1 Manoranjan Singh snatched mobile and crushed the same.



The accused persons dragged the informant to their house where co-accused Gayatri Devi brought rope and tied him with pillar when the accused persons assaulted him. On hearing alarm when the son of the informant namely, Ashutosh Kumar and nephew Roshan Kumar came to rescue, co-accused Gayatri Devi brought gun from her house and gave it to her husband Om Prakash Singh and asked to fire then Om Prakash Singh fired on the son of the informant causing injury on the chest as a result he fell down. In the meantime, co-accused Savita Devi brought rifle from her house and ordered to kill them on which her husband Chandra Prakash Singh and Om Prakash Singh started firing. One of the firings hit on the hand of the nephew of the informant, namely, Roshan Kumar. Thereafter all the three injured were carried to Dariyapur and from where Dighwara PHC and thereafter the nephew and son of the informant referred to PMCH.

It is submitted by learned counsel for the petitioners that, though the petitioners are also named in the FIR but on conclusion of the investigation the petitioners were not sent up for trial and charge sheet was submitted on 30.06.2014 against co-accused Om Prakash Singh, but differing with the final form learned ACJM-II, Saran at Chapra took cognizance on

03.02.2016 against the petitioners also.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the FIR does not reflect the accusation of firing against the petitioners, they were not sent up for trial on conclusion of the investigation coupled with the statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saran at Chapra in connection with Dighwara P.S. Case No. 201 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned court below will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions.

(Dinesh Kumar Singh, J)

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