

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10598 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -BUNIADGANJ District- GAYA

Guddu Singh, Son of Baikunth Singh, resident of village - Nanauk, P.S. Buniadganj, District - Gaya

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

With

Criminal Miscellaneous No.12686 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -BUNIADGANJ District- GAYA

O.P. Singh @ Navin Singh, Son of Sri Jalim Singh, R/V-Nanauk, P.S.- Buniyadganj, Distt.-Gaya.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.10598 of 2016)

For the Petitioner/s : Mr. Ramashish, Advocate

For the Opposite Party/s : Mr. Veena Rani Pd.(APP)

(In Cr.Misc. No.12686 of 2016)

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-05-2016 Heard learned counsel for the petitioners, learned APP for the State as also learned counsel appearing on behalf of the informant.

Petitioners apprehend arrest in connection with Buniadganj P.S. Case No. 139/15 for offences alleged under Sections 341, 307, 302, 387/34 of the Indian Penal Code and

under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that on 02.08.2015 he along with others went on Scorpio to Saidpur for bringing sand, but while returning petitioners along with others stopped them and dragged out from the vehicle. On the order of petitioner Guddu Singh Sukhi Singh fired on Upendra Yadav, the brother of the informant causing injury. Subsequently, petitioner O.P. Singh fired upon the informant but did not cause any injury. The brother of the informant thereafter succumbed to the injuries.

It has been submitted by the learned counsel for the petitioners that they are innocent having committed no offence and have falsely been implicated in the aforesaid case. Learned counsel for petitioner Guddu Singh submits that no overt act has been committed by petitioner Guddu Singh but as per the First Information Report he appears to be the order giver and also accused in two other cases but of different nature of the year 2012. He further submits that there is specific allegation against co-accused Sukhi Singh to have fired upon the deceased Upendra Yadav.

Learned counsel appearing on behalf of petitioner O.P. Singh @ Navin Singh submits that on the similar allegation

one Devendra Kumar @ Devendra Singh @ Chotu Singh has been granted the privilege of anticipatory bail in Cr. Misc. No. 8887/2016 on 25.02.2016.

However, learned counsel for the informant submits that the petitioners are named in the First Information Report. Petitioner Guddu Singh was the order giver and petitioner O.P. Singh also fired which did not hit. He further submits that petitioner O.P. Singh is also accused in another case, as is evident from paragraph 145 of the case diary, which is of the year 2005, as such, opposes the prayer for bail.

Learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposed the prayer for bail.

Be that as it may, since the allegation upon petitioner O.P. Singh being similar to that of co-accused Devendra Singh, who has been granted the privilege of bail in Cr. Misc. No. 8887/2016 and petitioner Guddu Singh, who had committed no overt act, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial

Magistrate, Gaya, in connection with Buniadganj P.S. Case No. 139/15, subject to the conditions as laid down under Section 438(2) Cr.P.C. However, it is made clear that petitioners will appear before the police/ court as and when required and failure to appear on two consecutive dates will be liable for cancellation of their bail bonds.

(Nilu Agrawal, J.)

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