

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17229 of 2018

Arising Out of PS.Case No. -4 Year- 2018 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

- =====
1. Raj Kumar @ Raj Kumar Singh
 2. Manoj Singh @ Manoj Kumar Singh, Both are Son of Fulena Prasad Singh, Resident of Village-Machaha P.S.-Mufassil, District-Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-04-2018 The learned counsel for the petitioner submits that petitioner no.1 Raj Kumar @ Raj Kumar Singh has been arrested and as such prayer for his pre-arrest bail has become infructuous and accordingly he seeks permission to withdraw the prayer for pre-arrest bail of petitioner no.1.

Permission is granted. The prayer for pre-arrest bail of petitioner no.1 stands dismissed as withdrawn.

Heard the learned counsel for the petitioner no.2, the learned A.P.P. for the State as also the learned counsel for the informant.

In this application for anticipatory bail the petitioner no.2 apprehends his arrest in connection with Mufassil (Singhaul)



P.S. Case No. 4 of 2018 for the offences punishable under sections 341, 307, 385, 504 and 506/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioners abused in the filthy languages. Petitioner no.2 gave order and then petitioner no.1 shot the informant but he saved his life any how. The petitioners were in intoxicating of wine and were demanding Rs. 50,000/- and caused threats.

Submission is of false implication and that no offence under section 307 of the I.P.C. and section 27 of the Arms Act is made out against petitioner no. 2, there is no allegation for repeating the firing nor any injury has been caused to the informant, there was no intervening circumstance and as such the petitioner no.2 deserves sympathetic consideration. Petitioner no.2 was made accused in Mufassil (Singhaul) P.S. Case No. 167 of 1990 in which he was acquitted vide judgment dated 08.05.2004.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioner no.2 by submitting that petitioner no.2 has instigated petitioner no.1 to kill and then petitioner no.1 has fired.

In the facts and circumstances stated above, considering that there was no intervening circumstance and there



was no allegation of repeating the blow and further petitioner no.2 is alleged to be order giver and as such the petitioner no.2,namely, Manoj Singh @ Manoj Kumar Singh, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M, Begusrai in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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