

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19811 of 2018

Arising Out of PS.Case No. -53 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Vinod Singh, Son of Kadar Singh, Resident of Naya Tola, Bazidpur, Ward
No. 44, Police Station – Town Begusarai, District – Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Md. Arif

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 05-04-2018

Heard learned counsel for the petitioner and

learned APP the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 302,
307/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case got initiated with the
written report of Dilip Sharma dated 31.01.2016 submitted to the
Station House Officer, Begusarai Town P.S. is to the effect that
the informant along with his brother Surendra Chaudhary run a
medicine shop. Co-accused Hira Chaudhary, Navin Chaudhary
and Baua @ Bipin Chaudhary demanded Rs.Five lacs as
extortion but the brother of the informant refused to make
payment of extortion amount. On 31.01.2016 in the night when



the informant and his brother were coming home after closing medicine shop but as soon as they reached near the domestic gas dealership Hira Chaudhary, Navin Chaudhary and Baua @ Bipin Chaudhary and four-five unknown persons surrounded the informant and his brother, asked the brother of the informant as why he did not pay the extortion amount, the brother of the informant expressed inability then Bipin Chaudhary assaulted with the butt of the pistol to informant and his brother. On alarm being raised on the order of Bipin Chaudhary, Navin Chaudhary caused firearm injury on the back of the brother of the informant. Hira Chaudhary twisted the hand of the brother of the informant and caused firearm injury on the temporal region. They also tried to kill the informant but on alarm being raised they escaped from the scene. The brother of the informant subsequently succumbed to the injuries. The petitioner is not named in the FIR but his name subsequently sprang up during investigation.

It is submitted by learned counsel for the petitioner that there is specific accusation of demand of extortion and causing firearm injury to the brother of the informant against the FIR named accused. Even suspicion has not been raised in the FIR against the petitioner. The name of the petitioner



subsequently sprang up during investigation after about 10-11 months of the registration of the FIR. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up during investigation.

Considering the fact that specific accusation in the FIR is against FIR named accused persons and even suspicion was not raised in the FIR against the petitioner coupled with the fact that the name of the petitioner sprang up at much belated stage of the investigation, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 53 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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