

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27392 of 2018

Arising Out of PS. Case No.-6 Year-2017 Thana- HARINMAR District- Munger

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1. Prakash Singh, S/o Late Ram Swaroop Singh, R/o Vill.- Reta, P.S.- Harinmar, District- Munger.
 2. Bipin Pahalvaan S/o Rajo Singh, Resident of Laxmipur, P.S.- Harinmar District- Munger.
 3. Amod Singh, S/o Bhagirath Singh, R/o Laxmipur, P.S.- Harinmar , District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Sri Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 25.03.2017 submitted by Sulekha Devi to the Station House Officer, Harinmar Police Station to the effect that on 25.03.2017, at 02.00 P.M., the husband of the informant Doman Singh had gone to watch the agricultural field, while he was returning home, on the way, six accused persons, including the petitioners, variously armed surrounded him. In the meantime, co-accused Jhoti Singh fired, causing injury on the



chest of the husband of the informant. As a result, he died on spot. It is alleged against the petitioners that they caught hold of the husband of the informant.

It is submitted by learned counsel for the petitioners that the specific accusation of firing is against co-accused Jhoti Singh, whereas, the accusation against these petitioners are omnibus and general. There is no eye witness to the occurrence. The petitioners have been roped in as an accused, in the present case merely on suspicion. Moreover, co-accused, Arun Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 58423 of 2017, as contained in Annexure-2. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the petitioners has confronted and disputed the recording in the impugned order about the criminal antecedent of petitioner no.1, Prakash Singh and has submitted that the said Prakash Singh is a different person, who is also an accused.

It is submitted by learned APP for the State that the petitioners were also a member of the mob which killed the husband of the informant.



Considering the thrust of accusation against co-accused Jhoti Singh and similarly situated co-accused have been granted anticipatory bail, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Munger, in connection with Harin Mar P.S. Case No.6 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will accept the bail bonds of the petitioners after verifying the criminal antecedent.

(Dinesh Kumar Singh, J)

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