

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32383 of 2018

Arising Out of PS.Case No. -26 Year- 2017 Thana -UPHARA District- AURANGABAD

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Anand @ Guddu Singh @ Guddu @ Anand Kumar, son of Ram Bachan Singh, resident of Village- Bakhtiyarpur, P.S.- Uphara, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 13-06-2018 Heard learned senior counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the informant.

The petitioner is seeking regular bail in Uphara P.S. Case No. 26 of 2017 registered under Sections 147, 148, 149, 302, 341, 323, 324, 326, 307 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that in the present case altogether 16 persons have been named as accused. Out of 16, according to the informant, 15 named accused were lashed with one or another kind of weapon in their hands but so far as the present petitioner is concerned no weapon has been attributed to him which will be apparent from a bare perusal of the F.I.R. In these circumstances it is the submission of the learned



senior counsel that the petitioner has been falsely implicated by alleging in the latter part of the F.I.R. that this petitioner was one of the co-accused persons who had given dagger blow to the deceased. It is his further submission that the post mortem report would show that there are four sharp-cut weapon injuries, however, the injuries caused on the chest alone had proved fatal and resulted in death of the deceased in ordinary course of nature. The said assault on chest has not been specifically attributed to this petitioner.

Learned senior counsel has also placed before this Court a copy of the order dated 01.12.2017 passed by a learned co-ordinate bench of this Court in Cr. Misc. No. 51985/2017 by which the co-accused Meghnath Singh, against whom there is a specific allegation that he was carrying a Chhura and had participated in the assault on the deceased, has been granted privilege of regular bail. It is submitted that the case of the present petitioner stands on a better footing because the informant has not alleged that this petitioner was carrying any weapon in his hand.

On the other hand, learned counsel representing the informant has opposed the prayer for bail of this petitioner as according to him this petitioner is one of the four accused persons who have participated in the alleged occurrence and had assaulted



the deceased by Chhura. Learned counsel has placed before this Court a copy of the order dated 26.04.2018 passed in Cr. Misc. No. 16524/2018 in the case of the co-accused Bishnu Dutt Singh @ Bishundeo Singh and submits that a co-ordinate bench of this Court had refused to grant bail to the co-accused Bishnu Dutt Singh @ Bishundeo Singh.

Learned A.P.P. for the State is present and has opposed the application on similar grounds as have been submitted on behalf of the informant.

Having considered the rival submissions at the Bar for purpose of grant of regular bail I am inclined to take a view to enlarge the petitioner on bail for the reason that out of 16 named accused persons while the informant has specifically stated that 15 persons were carrying one or another kind of weapon, this petitioner has not been allegedly shown with any weapon in his hand. Even though in the latter part of the F.I.R. this petitioner has been shown as one of the assailants, however, taking into consideration the fact that the informant has not attributed any weapon in the hand of this petitioner and that the co-accused Meghnath Singh, who had been carrying a weapon and had allegedly participated in assault, has been granted the privilege of regular bail by a learned co-ordinate bench of this Court, let the



petitioner, named above, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate, Aurangabad in connection with Upahara P.S. Case No. 26/17, subject to the conditions as laid down under Section 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

Dilip/Anjula/Sanjeev

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