

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38528 of 2018

Arising Out of PS. Case No.-100 Year-2018 Thana- KARAHGAR District- Rohtas

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1. Kalika Singh, S/o Late Gopal Singh,
 2. Durgesh Kumar S/o Subash Singh,
 3. Kundan Kumar
 4. Chandan Kumar Both Sons of Kalika Singh,
 5. Babi Kumar S/o Raj Keshwar Singh, All are Residents of Vill.- Semaria, P.S.- Kargahar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Baxi S.R.P. Sinha, Sr. Adv. with Mr. Babu Nandan Prasad, Adv.
For the State	:	Mr. Jitendra Kumar Singh, APP 98
For the informant	:	Mr. Raghunandan Kumar Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-09-2018 Heard Mr. Baxi S.R.P. Sinha, learned Senior Counsel, assisted by the learned counsel Mr. Babu Nandan Prasad appearing on behalf of the petitioners, the learned counsel for the informant and the learned counsel appearing for the State.

Petitioners seek bail in connection with Kargahar P.S. Case No.100 of 2018 for offences alleged under Sections 147, 148, 149, 302, 307, 323, 354, 504 and 452 of the Indian Penal Code 27 Arms Act.

The prosecution case, as lodged by the informant, is that while Pooja Kumari was coming to her house, petitioners 2, 3 and 5 along with two others tried to outrage her modesty on



which his cousin Bimlesh Singh came and objected. Thereafter two persons fired on him and the said Bimlesh Singh succumbed to the injuries while being taken to the hospital and when the family members gathered, petitioners 1 and 4 along with other persons had fired injuring other family members.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and because of personal enmity have been made accused in the present case. He, further, submits that the allegation upon petitioner no. 1 is only of instigation. He submits that the eye witness, Pooja Kumari, in her statement, has stated that petitioner no. 1 instigated the other persons while petitioner no. 5 had also given fire arm injury to the said Pooja Kumari. He submits that petitioners 2, 3 and 4 were members of the mob and that petitioners 2, 3 and 4 are languishing in judicial custody since 22.03.2018 while petitioners 1 and 5 are languishing in judicial custody since 10.04.2018. He, further, submits that the said Pooja Kumari has named the co-accused, Raj Keshwar Singh of giving fire arm injury to the deceased, Bimlesh Singh, who is alleged to be the main assailant.

However, learned counsel for the informant submits that all the petitioners had given fire arm injury to the



informant's side and Bimlesh Singh died. There were fire arm injuries on six persons and although the injury found on the said Pooja Kumari has been opined to be simple, but, since the petitioners have inflicted fire arm injury, he opposes the prayer for bail.

Learned Additional Public Prosecutor for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the period of custody, let petitioners 1, 2, 3 and 4, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Kargahar P.S. Case No. 100 of 2018 to the satisfaction of Sri S.K. Tiwary, Additional Chief Judicial Magistrate, Sasaram, subject to the following conditions :

(i) One of the bailors would be a close relative of each of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(ii) Petitioners will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his/their bail bonds.



So far petitioner no. 5, Babi Kumar, is concerned, let
the said accused person be enlarged on bail on completion of
one year in custody.

(Nilu Agrawal, J)

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