

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6026 of 2019

Arising Out of PS. Case No.-99 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. Ram Anuj Singh, S/o Late Bhullu Singh
 2. Ram Babu Singh, S/o Late Bhullu Singh
 3. Ashok Singh, S/o Tuna Singh
 4. Kailu Singh, S/o Ganesh Singh
 5. Bikash Kumar @ Bikash Kumar Singh, S/o Ashok Singh
 6. Deepak Singh, S/o Ashok Singh
- All are residents of Village-Maheshwara, P.S.-Naokothi, Distt.-Begusari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Mr. Sandeep Sahi, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-02-2019 Learned counsel for the petitioners submits that since the petitioner no.5, namely, Bikash Kumar @ Bikash Kumar Singh has already been arrested and granted bail by the court below during the pendency of this application, his bail application has rendered infructuous.

Accordingly, bail application of the petitioner no.5 is dismissed having become infructuous.

Heard learned counsel for the petitioners and learned counsel for the State as well as learned counsel for the informant.

In this case, the petitioner is seeking anticipatory bail in connection with Naokothi P.S. Case No. 99 of 2018, registered



for the offences punishable under Sections 341, 323, 379, 307, 427, 504, 506, 34 of the Indian Penal Code.

The informant Bikram Kumar gave his *Fardbayan* on 25.09.2018 alleging therein that on 21.09.2018, he, on his own vehicle, had gone to Cheriya Bariyarpur to drop Bhabhi Guriya Kumari and after dropping her, he was returning, as his vehicle reached near Nursing Home of Doctor Ajay Kumar, Manjhaul, he saw the group of persons were standing, then he stopped the vehicle and some persons from the group of the people said that some unknown persons had shot fire upon Anand Mohan. In the meantime, Prince Kumar came there and requested the informant to carry the injured Anand Mohan to Global Hospital for treatment. Thereafter, Anand Mohan was brought into his vehicle and Prince Kumar also accompanied Anand Mohan and reached at Global Hospital where he was declared dead. Thereafter, the relative of Anand Mohan came there and the dead body of Anand Mohan including other accused persons boarded on the vehicle of the informant, proceeded towards Maheshwara, when the vehicle reached near the RCS College, Manjhaul, the co-accused including the petitioners asked to carry the vehicle through another route and Prince Kumar on the point of the pistol brought the vehicle to



their residence where they have mercilessly assaulted the informant, snatched his mobile phone and Rs. 6,000/- from his pocket.

Learned counsel for the petitioners submits that there is another FIR, which has been lodged with respect to the murder of the Anand Mohan. In the FIR, which has been lodged by one Prince Kumar, it has been alleged that on 21.09.2018 at about 9.15 A.M., four persons, namely, Diwakar Singh, Sintu Kumar, Navanit Kumar @ Satyam Kumar and Bikram Kumar reached at the Darwaja of the informant with a Scorpio vehicle and asked his brother Anand Mohan to go along with them. This time, Anand Mohan refused to go with them. Again at about 11.15 A.M., they came there armed with firearms and took away Anand Mohan. The informant and his cousin brother followed them and saw his brother Anand Mohan was moving ahead and Bittu Singh @ Baibav Vardhan and Dhiraj Singh were chasing his brother and were firing upon him, his brother reached to Thakurwari situated at Maheshwara, where both the persons shot at his brother, who was declared dead in the hospital.

Learned counsel for the petitioners submits that in order to create the confusion and save the skin, the present false case has been lodged against the petitioners after a week.



Two photographs have been produced by the counsel for the informant and after looking to that, it appears that there was a serious assault on the informant and his associates, whereas, the counsel for the petitioners submits that the injury report attached with this petition itself shows that they have received simple injuries and the present case has been lodged against all the family members by way of counter blast.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioners.

Accordingly, the prayer for bail is rejected.

However, if the petitioners surrender before the Court below within four weeks from today and pray for regular bail, the court below will consider the same and pass appropriate order without being influenced by the order of this Court and also considering the fact that co-accused Bikash Kumar Singh has already been granted bail by the court below itself.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan

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