

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6814 of 2019

Arising Out of PS. Case No.-384 Year-2018 Thana- GOPALPUR District- Bhagalpur

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UMESH SINGH Son of Late Darshan Singh Resident of Village- Murli. P.S.-
Gopalpur (o.p.- Rangara), Dist- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 29-03-2019 Heard the parties.

The petitioner seeks bail in Gopalpur (Rangra)

P.S.Case No.384 of 2018 registered under Sections 147, 148,

149, 302 of I.P.C. and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of

Anju Rani, recorded by Jawahar Lal Singh, S.I.-cum-SHO,

Rangra Police Station on 05.10.2018 at 10.00 P.M., to the effect

that on the same day at 08.00 P.M., the husband of the informant

Tarni Prasad left the house after taking meal to sleep in someone

else's house was accused in a criminal case, the informant was

accompanying him, but as soon as he reached near Murli High

School, 11 accused persons, including the petitioners,

surrounded him and thereafter out of whom, co-accused

Mahendra Singh, Rajesh Singh, Ravi Kumar, Raushan Kumar,



Pankaj Kumar caught hold of the husband of the informant, whereupon co-accused Devendra Singh fired from close range on the husband of the informant causing injury on the right side of the chest and thereafter, all the accused persons escaped from the scene. Thereafter, the informant's husband was taken to Sub-Divisional Hospital, Naugachhiya, where he was declared dead.

It is submitted by learned counsel for the petitioners that the accusation against co-accused Pawo Devi and Mangal Singh @ Mangal Kumar is only of surrounding the husband of the informant whereas, co-accused Mahendra Singh, Raushan Kumar @ Raushan Singh, Rajesh Singh @ Rajesh Kumar and Pankaj Yadav are alleged to have caught hold of the informant along with other co-accused persons. It is further submitted that the specific accusation of firing is against co-accused Devendra Singh. Moreover, for the occurrence of 05.10.2018 at 8.00 P.M., the F.I.R. was registered on 06.10.2018 at 10.15 P.M.. The accusation of catching hold of the husband of the informant by five co-accused whereas, accusation on co-accused Devendra Singh of firing appears to be unreasonable as that could jeopardizes the safety of the other co-accused persons who caught hold of the informant's husband. Admittedly, the



husband of the informant is accused in a criminal case and the presence of the informant at the place of occurrence appears doubtful. However, the informant admitted that her husband conveyed her that the firing was made by co-accused Devendra Singh and deceased also named the other co-accused persons. The petitioner at best can be held only a member of unlawful assembly and except this there is no allegation of any overt act against the petitioner. As per statement made in paragraph 3 of the petition the petitioner has got no criminal antecedent.

Learned counsel for the informant as well as the learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Looking to the allegation against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the A.C.J.M.-IIIrd, Naugachiya, Bhagalpur, in Gopalpur(Rangra) P.S.Case No.384 of 2018 subject to the conditions that (i) bailors should be of local having sufficient immovable property within the jurisdiction of the court concerned (ii) petitioner shall co-operate in the trial and shall be properly represented on each and every dated fixed by the court and his absence on two consecutive dates without proper and



sufficient reason the trial court will be at liberty to cancel his bond.(iii)If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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