

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23764 of 2019

Arising Out of PS. Case No.-483 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

Nirala Singh, Son of Late Harendra Singh, resident of Village - Tetariya, P.S.-
Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmatma Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Udwant Nagar P.S. Case No.483 of 2018 registered under Sections 302 & 120-B/34 of the Indian Penal Code.

The petitioner along with seven other accused persons are said to have descended at the house of the informant armed with firearm and started hurling abuse. When his father came out from house, Bijendra Singh and Manu Singh instigated to kill the father of the informant upon which Sujit Singh, Aditya Singh, Upendra Singh and Gajendra Singh resorted indiscriminate firing while Sujit Singh resorted firing on the chest of the father of the informant which proved fatal.



Thereafter, the accused persons left the scene.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner has committed no offence and has no concern with the aforesaid occurrence. He has been falsely implicated in this case. The petitioner does not happen to be assailant rather the assailant is Sujit Singh. Utmost he may be member of the unlawful assembly. It is further submitted that the petitioner is not named in the occurrence which took place preceding to the occurrence under hand. Similarly situated co-accused, namely, Bijendra Kumar Singh @ Bijendra Singh has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.03.2019 passed in Cr. Misc. No. 16659 of 2019. Petitioner has no criminal antecedent and has been languishing in custody since 22.02.2019.

On the other hand, learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that the petitioner has also participated in the occurrence and huge quantity of arms and ammunitions were recovered from possession of co-accused. Hence, the petitioner does not deserve bail.

Considering the facts aforesaid, the above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwant Nagar P.S. Case No.483 of 2018.

(Prakash Chandra Jaiswal, J)

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