

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28734 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- SONBERSA District- Saharsa

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ASHISH KUMAR SINGH Son of Shyamal Kishore Singh Resident of
Village-Biratpur, P.S-Sonbersa Raj, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33764 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- SONBERSA District- Saharsa

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SAROJ KUMAR SINGH S/O late Siya Sharan Singh R/o- Vill- Biratpur,
P.S.- Sonbarsa, Distt. Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37911 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- SONBERSA District- Saharsa

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VIKASH KUMAR @ VIKAS KUMAR SINGH Son of Om Prakash Singh @
Chulhay singh Resident of Village- Jamuniya Police Station- Simri
Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 28734 of 2019)

For the Petitioner/s : Mr.Bhaskar Shankar

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

(In CRIMINAL MISCELLANEOUS No. 33764 of 2019)

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 37911 of 2019)

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Diwakar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 02-08-2019 Heard the learned counsel for the petitioners,
informant and the learned A.P.P. for the State.

The petitioners seek bail in Sonbersa Raj P.S. Case No. 21/2019, instituted for offence under Section(s) 302/34 of the Indian Penal Code read with Section 27 of Arms Act.

It is alleged in the written report that on the date of occurrence niece of informant was performing dance on the stage, in the marriage ceremony of sister of petitioner Ashish Kumar Singh. In the aforesaid programme petitioner Ashish Kumar Singh and other family members as well as their friends were making firing from the pistol, which hit the niece of informant on her head on account of which she fell down and became unconscious. Later on she died during course of treatment.

Post-mortem report is available in case diary wherein doctor has found only one injury on the person of deceased.

Learned counsel for the petitioner Ashish Kumar Singh (Cr. Misc. No. 28734/2019) has submitted that in para 116, 117, 118, 119 and 120 of case diary there is reference of various video footage. There is no allegation against him in the video footage. There is allegation against Neeraj Kumar Singh



of making firing on the niece of informant. Petitioner Ashish Kumar Singh is said to have identified the other accused in the video footage, as witness.

Co-accused Niraj Kumar has already been granted bail by a Co-ordinate Bench of this Court vide order dated 05.04.2019 passed in Cr. Misc. No. 21542/2019.

Similarly petitioner of Cr. Misc. No. 33764/2019 and Cr. Misc. No. 37911/2019 are not named in the written report. There is no allegation of specific overt act against them in the video footage.

Petitioners are in custody since 27.02.2019, 22.02.2019 and 01.04.2019 respectively.

Considering the aforesaid facts and circumstances, prayer of the petitioners for grant of bail is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Rajesh Kumar Vith, J.M. 1st Class, Saharsa, in connection with Sonbersa Raj P.S. Case No. 21/2019, subject to the conditions that both the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J)

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