

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28222 of 2018

Arising Out of PS. Case No.-26 Year-2017 Thana- UPHARA District- Aurangabad

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Guddu Singh @ Guddu Kumar S/o Meghnath Singh, Resident of Village-
Saharsa, P.S.- Uphara, District- Aurangabad Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh, Adv

For the Opposite Party/s : Ms. Reetika Rani, Adv

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 23-01-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Uphara P.S. Case No. 26 of 2017

dated 17.06.2017 instituted for the offences under Sections

147, 148, 149, 302, 341, 323, 324, 326, 307, 506 of the

Indian Penal Code and Section 27 of the Arms Act.

The informant as well as his brother were assaulted

by several persons. Later, the brother of the informant died

because of the injuries suffered by him.

The F.I.R clearly discloses that three accused

persons assaulted the deceased in the first instance. The

petitioner is alleged to have chased the informant along with

several others but so far as the allegation of assault is

concerned, he is said to have inflicted injuries on the



informant which were opined to be simple in nature.

Some of the accused persons have been granted anticipatory bail whereas those with grievous charges were granted regular bail. One of the accused persons viz. Bishnu Dutt Singh @ Bishnu Deo Singh, reference of which has been taken by the learned counsel for the informant and whose bail petition was rejected, is alleged to have given a *Chhura* blow on the deceased.

The learned counsel appearing for the informant, however has asserted that with the aid of Section 149 I.P.C, all the accused persons named in the F.I.R and charge-sheeted by the Police are to be taken to be on the same platform and that in a serious case of murder like this, anticipatory bail ought not to be granted to an accused who has been named in the F.I.R and after investigation has been charge-sheeted.

However, looking at the facts of this case and taking into account that petitioner does not have criminal antecedents and that he is not alleged to have touched the body of the deceased and that some of the similarly situated



accused persons have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner as well.

The learned counsel appearing for the informant, at this stage has informed this Court that some of the accused persons have been able to obtain anticipatory bail by making wrong submissions regarding their antecedents and in such cases, petition for cancellation has been filed before this Court which is pending adjudication.

The informant shall have liberty to approach this Court in case the anticipatory bail petition of the other accused persons are cancelled.

For the reasons stated above, the petitioner, above named, in the event of his arrest or surrender within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Daudnagar, Aurangabad in connection with Uphara P.S. Case No. 26 of 2017 subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

However, it is made clear that the petitioner shall participate in the trial and would not absent himself from the trial proceedings without any reasonable cause. Should he do so, the informant shall have the liberty to approach this Court for cancellation of his bail. The petitioner shall also not try to win over any evidence and would keep away from the informant and his family till the time trial is concluded. Any breach of the aforesaid conditions shall be viewed seriously.

With the aforesaid, the petition is disposed off.

(Ashutosh Kumar, J)

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