

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56884 of 2019

Arising Out of PS. Case No.-556 Year-2012 Thana- NAWADA District- Nawada

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1. SHAMBHU SARAN @ SHAMBHU SINGH Son of Late Ram Saran Singh
Resident of Village - Fulma, P.S.- Akbarpur, Dist.- Nawadah.
 2. Diwakar Singh @ Diwakar Kumar Son of Shambhu Saran @ Shambhu
Singh Resident of Village - Fulma, P.S.- Akbarpur, Dist.- Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 11-09-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Nawadah Town P.S. Case No.556 of 2012 registered under
Sections 147, 148, 149, 307, 504, 387, 506, 337 and 427 of the
Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on 18.10.2012 at about 01.30
P.M., Anil Singh, M.L.A. of Hisua Constituency Assembly,
along with his elder brother Shambhu Singh (petitioner no.1),
Surendra Singh, Diwakar Singh (petitioner no.2), Shivam
Kumar, Umesh Singh and others, named in the F.I.R., and 15-20
unknown making fire with their rifle and pistol entered into the



Modern English School, New Area, Nawadah, of which the informant is Principal, with an intention to kill the teachers and students of the school and started to abuse, giving threatening to close the school. At that time, Ajay Singh and Anil Singh asked the informant to give Rs.50,000/- per month to run the school. Before one week, all the accused, named in the F.I.R., including the petitioners had taken Rs.1,00,000/- as ransom, giving threatening of dire consequences to the informant. In that course, 15-20 unknown, who were along with them ransacked the articles of the school causing loss of Rs.3,00,000/-.

Learned counsel for the petitioners submits that after investigation, the police submitted the final form against the petitioners and others on 30.11.2017 but differing with the final form, the Chief Judicial Magistrate, Nawadah, took the cognizance of the offence under Sections 147, 148, 149, 307, 504, 387, 506 and 427 of the Indian Penal Code and Section 27 of the Arms Act against the petitioners and others on 20.06.2019. In fact, due to attempt of rape on the daughter of Umesh Singh by Anuj Kumar, the Director of the said School, Umesh Singh had lodged Mahila P.S. Case No.04 of 2012 under Sections 341, 387, 506, 376 and 511/34 of the Indian Penal Code against Anuj Kumar and his brother Shailesh Kumar and,



thereafter, the petitioners and others, being the local people, had gone to the said school but with an ulterior motive, the informant has lodged the present case making the accused Umesh Singh and his son Shivam Kumar along with the petitioners and others. While the petitioner no.2 is accused in one more case, as detailed in paragraph-3 to this application, but in that case, he is on bail.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Special Court of Additional Sessions Judge-III, Nawadah, in connection with Nawadah Town P.S. Case No.556 of 2012, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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