

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60643 of 2019

Arising Out of PS. Case No.-173 Year-2019 Thana- KARAKAT District- Rohtas

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1. MOHAN SINGH @ MOHAN KUMAR SINGH Son of Late Bishwanath Singh
 2. Krishna Singh @ Krishna Kumar Singh Son of Late Bishwanath Singh
 3. Niraj Singh @ Niraj Kumar Singh Son of Alok Kr. Singh
All are resident of Village - Motha, P.S.- Karakat, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-10-2019 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P..

The petitioners apprehend their arrest in Karakat P.S.
Case No.173 of 2019 registered under Sections 147, 148, 149,
341, 323, 307, 379, 506 of the Indian Penal Code and Sections
25(1-b)a, 26, 27 of the Arms Act.

The informant named the petitioners and others and
alleged that all the accused persons were armed with weapons.
Ritesh Singh was armed with double barrel gun. When the
informant and his brothers reached near the house of Kali
Sharma, Ritesh Singh fired and the pellet hit on different parts
of the body of the informant. Krishna Singh @ Krishna Kumar



Singh(petitioner No.2), Balram Singh and Niraj Singh @ Niraj Kumar Singh(petitioner No.3) are said to have chased Dhiraj Singh and Balram Singh fired and pellet hit on wrist, cheek and abdomen of Dhiraj Singh. Krishna Singh is said to have assaulted with the butt of gun and snatched chain made of gold. Krishna Singh(petitioner No.2) also fired causing pellet injury to Akuf Mian. It is further alleged that Nikhil Kumar @ Gabbar, son of Balram Singh had come to the house of informant after having armed with gun but the people caught him and produced him before the police.

The learned counsel for the petitioners submits that some quarreling took place among the children of two families. There is no allegation of firing against petitioner No.1(Mohan Singh) and petitioner No.3(Niraj Singh). The allegation of firing is made against Ritesh Singh, Balram Singh and Krishna Singh(petitioner No.2). It is further submitted that no overt act is made by petitioner No.1 and petitioner No.3 but the learned counsel for the informant as well as learned A.P.P. submit that there is allegation that Krishna Singh, Balram Singh and Mohan Singh chased Dhiraj Singh and Balram Singh opened firing and Dhiraj Singh got injury on different parts of the body. Petitioner No.2 is also alleged to have fired and the pellet hit one Akuf



Mian. Therefore, petitioner No.2 does not deserve anticipatory bail. It is further submitted that even petitioner No.1 and petitioner No.3 also actively participated in the occurrence but it appears from perusal of the F.I.R. itself that of course all the three petitioners are named along with Ritesh Singh, Balram Singh and others but there is specific allegation of firing against Ritesh Singh, Balram Singh and Krishna Singh(petitioner No.2). No overt act is alleged against petitioner No.1 and petitioner No.3.

Taking into consideration the facts aforesaid, let the petitioner No.1 namely, Mohan Singh @ Mohan Kumar Singh and petitioner No.3 namely, Niraj Singh @ Niraj Kumar Singh, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Karakat P.S. Case No.173 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner No.2(Krishna Singh @



Krishna Kumar Singh) is concerned, there is specific allegation that it was he who firstly assaulted Dhiraj Singh with butt of gun on the abdomen and snatched his chain made of gold and fled away after firing from his gun. In the firing made by Krishna Singh, Akuf Mian got injury.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.2 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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