

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2206 of 2019

Arising Out of PS. Case No.-117 Year-2017 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Baban Singh @ Baban Kumar Singh son of Duna Singh @ Dhuna Singh,
Resident of Village- Pahsara, P.S.- Nawkothi, District - Khagaria

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Vikramdeo Singh, Advocate
For the Opposite Party/s	:	Mr.Tapeshwar Sharma, APP
For the Informant	:	Mr.Pushpendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioner, learned
counsel representing the informant and learned APP for the
State.

The petitioner in the present case is seeking
anticipatory bail in connection with Navkothi P.S. Case No. 117
of 2017 registered for the offences under Sections 141, 148,
149, 341, 342, 302, 120(B) of the Indian Penal Code, Section 27
of the Arms Act and Sections 3 and 4 of Explosive Substance
Act.

As per allegations made in the first information
report, while the informant along with his Mukhiya daughter-in-
law and his son Ajay Kumar Singh were returning after doing
the Panchayat work, as soon as they reached near the house of



Bumbum Singh they saw the 11 named accused persons lashed with pistol in their hand and stones who all of a sudden came in front of the informant, his daughter-in-law and his son. As per allegations, the co-accused Duna Singh ordered to catch hold of Ajay on which all the accused persons caught hold of him. The co-accused Aako Singh who was having a pistol in his hand shot at Ajay. Ajay fell down, thereafter Bumbum Singh also fired upon him. It is further alleged that thereafter Kamal Singh, Baban Singh (this petitioner), Saurabh Singh, Gaurav Singh and others who were having iron rod in their hand started assaulting on the head of Ajay. The co-accused Neetu Devi and Babita Devi were having stones in their hand and they also assaulted Ajay on his head by stone. It is alleged that thereafter Saurabh Singh and Gaurav Singh threw bombs which exploded. Political rivalry is said to be the reason behind the alleged occurrence.

Learned counsel for the petitioner submits that on a reading of the written complaint it will appear that while the alleged occurrence took place on 28.12.2017 at about 7:30 PM, the written complaint was submitted with the Officer-in-Charge of Navkothi Police Station only on 30.12.2017. No reason whatsoever has been disclosed in the written complaint for this delay in disclosing the name of accused persons.



Learned counsel further submits that so far as this petitioner is concerned, no specific allegation of assault is there against him. In the first part of the FIR it is alleged that the accused persons were holding pistols and stones in their hand. There is no allegations that the petitioner was holding iron rod in his hand but later on it is alleged that when the son of the informant fell down, the co-accused including this petitioner had given iron rod blow on the head of the deceased.

Learned counsel submits that the specific allegation of firing from pistol upon Ajay is against one Aako Singh. It is also pointed out that the co-accused Bittu Singh @ Bittu Kumar has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court.

It is submission of the learned counsel for the petitioner that the delay in lodging of the FIR indicates that time was taken by informant in concocting a story and then name of the petitioner has been disclosed as one of the accused persons.

As regards the information indicated in Paragraph-3 of the application, learned counsel for the petitioner submits that those cases are of petty nature and the petitioner is on bail in those cases. Learned counsel has made a statement that in Navkothi P.S. Case No. 100 of 2017 also the petitioner is on



bail.

On the other hand, learned counsel representing the informant has opposed the prayer for bail. He has submitted that the learned co-ordinate Bench of this Court has refused to grant privilege of anticipatory bail to one of the co-accused Kamal Singh @ Kamal Kumar Singh. It is also submitted that this petitioner has got criminal antecedent.

Learned APP for the State is present.

In the facts and circumstances of the case where it is apparent from the written complaint which is the basis of the first information report that the alleged occurrence took place in presence of informant on 28.12.2017 at 7:30 PM but the complaint was lodged with the police station only on 30.12.2017 disclosing the name of the accused persons including the present petitioner and further that no specific allegation of assault particularly the firing is alleged against the petitioner and also that one of the co-accused Bittu Singh about whom also it was alleged in the first part of the FIR that he was having pistol in his hand and stone and then in the second part of the FIR it is alleged that the named co-accused and others also had assaulted by iron rod, this Court is inclined to grant privilege of anticipatory bail to the petitioner.



Let in case of arrest or surrender within two weeks from today the petitioner above named be released on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of Sri Raghubir Prasad, Judicial Magistrate, Ist Class, Begusarai in connection with Navkothi P.S. Case No. 117 of 2017, subject to the condition that he will present himself before the investigating officer within a period of one week from today and shall co-operate in course of investigation. If it is found that the petitioner is not co-operating in course of investigation, the investigating officer as well as the informant may take steps for cancellation of his bail. It will be also subject to the conditions as prescribed under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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