

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7741 of 2020

Arising Out of PS. Case No.-228 Year-2018 Thana- SURYAGARHA District- Lakhisarai

1. SONU KUMAR Son of Ashok Singh Resident of Nandpur, P.S.-Suryagarha, District - Lakhisarai.
2. Vicky Kumar @ Bicky Kumar Son of Ashok Singh Resident of Nandpur, P.S.- Suryagarha, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are languishing in custody since 20.06.2019 in a case registered for the offences punishable under Sections 302, 394, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Sunaina Devi submitted before the S.H.O., Suryagarha Police Station is to the effect that on 07.11.2018 at 3.30 A.M., seven accused persons namely, Bhikari Singh, Niroaj Singh, Bacchan Singh, Vicky Singh, Sonu Singh, Sukesh Singh, Dani Singh and three unknown surrounded the brick-kiln of the informant



and they started demanding extortion of Rupees Five Lac. On showing inability to make payment, on the order of co-accused, Niraj Singh, co-accused, Bhikaari Singh shot on the head of the brother-in-law of the informant, Bipin Yadav. Thereafter, other accused persons resorted to indiscriminate firing and escaped from the scene. The accused persons also snatched Rs.2,00,000 from the informant.

It is submitted by learned counsel for the petitioners that the specific accusation firing is against co-accused, Bhikhari Singh. The other similarly situated co-accused, Dani Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 11.04.2019, passed in Criminal Miscellaneous No. 29599 of 2019 whereas co-accused, Munna Singh has been granted bail by the same Bench vide order dated 09.04.2019 passed in Criminal Miscellaneous No. 26540 of 2019. The petitioner is languishing in custody since 20.06.2019 and the investigation has already been concluded. It is further submitted that apart from the present case, the petitioners are accused in six other cases, but in all the cases, he has been granted bail. A statement to that effect has been made in paragraph no.3 of the petition.

Learned APP for the State submits that though the



petitioners have criminal antecedent, but there is no specific accusation of firing against them.

Considering the fact that the specific accusation of firing is not against the petitioners and similarly situated co-accused, Dani Singh and Munna Singh have already been granted bail by a Co-ordinate Bench of this Court and the investigation has already been concluded, let the petitioners above named be released on bail for the present provisionally for a period of three months on furnishing one surety each to the satisfaction of the learned CJM, Lakhisarai, in connection with Suryagarha P.S. Case No.228 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned



CJM, Lakhisarai, in connection with Suryagarha P.S. Case No.228 of 2018.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

Since the petitioners are having serious criminal antecedent, learned court below will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions or get involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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