

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8085 of 2020

Arising Out of PS. Case No.-618 Year-2019 Thana- SIWAN CITY District- Siwan

1. BRAJESH KUMAR SINGH @ BRAJESH SINGH Son of Raj Kishor Singh Resident of Village - Panch Mandira, Shanti Nagar, P.S.- Town, Distt.- Siwan.
2. Guddu Kumar @ Abhishek Kumar Son of Subodh Kumar Sinha Resident of Village - Shukla Toli, Near New Millennium School, P.S.- Town, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Bijay Prakash Singh
For the Opposite Party/s :	Mrs. Anita Kumari Singh
	Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Siwan Town P.S. Case No. 618 of 2019 for the offence registered under Sections 341, 323, 324 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 27.10.2019



at about 6:45 P.M., the informant namely Mohit Kumar was going to the temple from his house whereupon the petitioners herein came on a motorcycle and as far as the petitioner no. 1 is concerned, he is alleged to have pointed a pistol on the informant, however, the informant had caught hold of the pistol whereupon the petitioner no. 1 lost balance and fell down from his motorcycle and then he is stated to have fired two gun shots but the same missed the informant. Thereafter, the petitioner no. 2 is stated to have attacked the informant by knife resulting in injuries on his both hands, whereafter the petitioners had fled away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedents. It is further submitted that the injury report would show that two injuries have been found as far as the informant is concerned and while injury no. 1 has been stated to be simply by the doctor, the opinion regarding injury no. 2 has been kept reserved.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the



petitioners and taking into account the materials available on record as also in the case diary, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No. 618 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the petitioners shall appear before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on Monday of every week for two months so that the investigation can be completed and in case of any default to mark attendance, the present privilege of bail shall stand revoked and the petitioners shall be taken in custody forthwith.

(Mohit Kumar Shah, J)

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