

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9742 of 2020

Arising Out of PS. Case No.-21 Year-2019 Thana- SONBERSA District- Saharsa

Vinay Kumar Singh @ Binay Kumar Singh Son of Baidhnath singh @
Baidyanath Singh Resident of Village- Gangjala, Ward No.07, P.S.- Saharsa,
Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Vijendra Prasad Singh, recorded by Arvind Kumar, A.S.I., of Police, on 21.02.2019 at Aayus Nursing Home, Naya Bazar is to the effect that on 20.02.2019 at about 8.30 P.M., co-accused Dilip Yadav took the niece of the informant Akriti Kumari to perform in a dance programme in the marriage ceremony of the sister of co-accused Aashish Kumar Singh. Subsequently, during dance programme, someone resorted to fire with rifle which hit the



niece of the informant, who subsequently succumbed to the injuries. During investigation, co-accused Aashish Kumar Singh confessed that co-accused Neeraj Kumar Singh had resorted to fire and the C.C.T.V. footage also suggests that co-accused Neeraj Kumar Singh resorted to fire and co-accused, Manoj Kumar Singh was having arms in his hand. During investigation, it transpired that the rifle from which the firing was alleged to be made, is the licensee rifle of the petitioner, Vinay Kumar Singh.

It is submitted by learned counsel for the petitioner that co-accused Neeraj Kumar Singh, against whom, accusation of firing has been alleged, has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 05.04.2019, passed in Cr. Misc. No. 21542 of 2019 and co-accused, Manoj Kumar Singh, who was having arms in his hand at the time of alleged occurrence, has also been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 15.11.2019, passed in Cr. Misc. No. 48416 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that during investigation, it



transpired that the arms from which the firing was made, is the
licencee rifle of the petitioner.

Considering the fact that the accusation of firing is not
alleged against the petitioner and other co-accused person have
been granted anticipatory bail by a Co-ordinate bench of this
Court, coupled with the fact that the petitioner is not having any
criminal antecedent, let the above named petitioner be released
on anticipatory bail in the event of arrest/surrender before the
learned Court below within a period of twelve weeks from
today, on furnishing bail bonds of Rs. 10,000/- (ten thousand)
with two sureties of like amount each to the satisfaction of
learned Judicial Magistrate- 1st Class, Saharsa in connection
with Sonbersa Raj P.S. Case No. 21 of 2019, subject to the
condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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