

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10556 of 2020

Arising Out of PS. Case No.-65 Year-2019 Thana- SUGAULI RAIL P.S. District- West
Champaran

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1. Manoj Singh @ Manoj Kumar Singh aged about 45 years (M) son of Late Laldeo Singh
 2. Brajesh Singh aged about 55 years (M) son of Late Laldeo Singh
 3. Alok Dubey aged about 26 years (M) son of late Ramjee Dubey
All are residents of village – Kurwa Mathia, Police Station – Chanpatia
(Kumarbagh O.P.) District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashisth Narayan Mishra, Advocate
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-09-2020 Heard Mr. Bashisth Narayan Mishra, learned counsel
for the petitioners and Mr. Lalan Kumar, learned A.P.P. for the
State through video conferencing.

Petitioners apprehend arrest in connection with Rail
Sugauli (Bettiah) P.S. Case No. 65 of 2019 registered under
Section 147, 148, 149, 307, 353, 384, 504, 506 of the I.P.C.,
Section 27 of the Arms Act and Section 147, 154 of the
Railways Act.

The allegation against the petitioners as per the First
Information report is that on 15.11.2019 informant (Police
Officer) reached near Kumarbagh Railway Track during law



and order duty and saw that two groups were fighting variously armed on the issue of claiming the ownership of stone chips. It has further been alleged that informant tried to pacify the matter but both groups started opening firing in which informant arrested one Pramod Singh along with three other persons and other accused persons managed to flee away.

Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and they do not belong to any of the groups who were fighting amongst themselves. Learned counsel further submits that from perusal of the First Information Report it would be evident that no specific allegation has been made against the petitioners and no injury has been caused to anybody in the alleged fighting between the two groups. Learned counsel further submits that similarly situated co-accused persons mentioned at serial nos. 6, 7 and 10 in the F.I.R. have been granted bail by this court in Cr. Misc. No. 4275 of 2020. Learned counsel also submits that for the same incident two cases were lodged and another case which was lodged by the Police is Chanpatia (Kumarbagh) O.P. P.S. Case No. 364 of 2019.

Having regard to the submissions made by the parties



and taking into consideration the material available on record and the fact that similarly situated co-accused have been granted bail by this court, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000 /- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Railway), Bettiah, District – West Champaran in connection with Rail Sugauli (Bettiah) P.S. Case No. 65 of 2019 subject to the condition as laid down under section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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