

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21615 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- SURYAPUR District- Rohtas

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1. Vijay Kumar Singh @ Vijay Yadav @ Sheojee Yadav, Gender-Male, aged about 55 years, Son of Late Ram Pravesh Singh, Resident of Village - Nima, Post - Goshaldih, P.S.- Suryapura, District - Rohtas.
 2. Manish Kumar Singh @ Manish Yadav, Gender-Male, aged about 24 years, Son of Vijay Kumar Singh @ Vijay Yadav @ Sheojee Singh Resident of Village - Nima, Post - Goshaldih, P.S.- Suryapura, District - Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ambuj Nayan Chaubey, Advocate.
For the Opposite Party : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the petitioners and learned



counsel for the State.

The petitioners seek bail in a case for the offence registered under Sections 302, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 23.01.2020 the informant's son, namely, Nitish Kumar, went with Amrit Singh Sudhansu @ Pahari, Punnu Singh and Ripu Yadav near the Water Tank. Soon after, the informant heard the sound of firing and came to know that his son Nitish Kumar sustained bullet injury. Thereafter, he and his family members reached there and saw that the above named persons armed with firearms were fleeing away from the Motorcycle. Nitish Kumar told the informant that co-accused Punnu and Ripu caught his hands and co-accused Amrit Singh Sudhansu @ Pahari fired upon his chest. Nitish Kumar was taken to the hospital for treatment but the doctor declared him dead. The reason behind the occurrence is that 4-5 days ago, some altercation took place between Nitish Kumar and the petitioners and the petitioners had threatened to kill him. The informant also alleged that the petitioners in conspiracy with the above named three persons killed his son.

It has been submitted by learned counsel for the



petitioners that the petitioners are languishing in custody since 25.01.2020. The petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. As per the F.I.R. co-accused, namely, Punnu and Ripu are said to have caught hold the hands of the deceased and other co-accused namely, Amrit Singh Sudhansu @ Pahari is alleged to have fired upon the deceased. As far as the petitioners are concerned, there is no allegation of assault alleged against him. Only suspicion has been raised against the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners above named, are directed to be released on bail on their personal bond to the satisfaction of the learned J.M. Ist Class, Bikramganj (Rohtas), in connection with Suryapura P.S. Case No. 05/2020.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of four



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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