

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26376 of 2020

Arising Out of PS. Case No.-411 Year-2019 Thana- SAHARSA District- Saharsa

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RANJAN KUMAR SINGH @ RANBIR KUMAR SINGH Son of Nirmal
Kumar Singh @ Nirmal Singh Resident of Village - New Colony, Ward No. 8,
P.S. and District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate
Mr. Ashutosh Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-12-2020 The present case was heard at length on 03.12.2020 and
today it has been listed 'For Orders'.

The petitioner seeks regular bail in connection with
Saharsa P.S. Case No. 411 of 2019 for the offence registered
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution case as per the fardbeyan of Guddu
Kumar Thakur, recorded by A.S.I., Dhan Bihari Mishra on
06.05.2019 at 6:30 P.M. in Sadar Hospital, Saharsa, is to the
effect that on 06.05.2019 at 10:15 A.M., when the informant
and his brother were coming to Saharsa Court and had reached
near Rifle Tola, they saw that co-accused Shamsheer Alam, Afsar



Alam and Ashok Yadav are coming on a motorcycle. They intercepted the informant and his brother and thereafter they fired indiscriminately on the brother of the informant, however, the informant escaped from the scene. On the other motorcycle, there were three persons who could not be identified. They also fired at the brother of the informant. The informant has further alleged that co-accused Shamsheer Alam, Afsar Alam and Ashok Yadav caused six bullet injuries to the brother of the informant who subsequently succumbed to the injuries. During investigation, the complicity of the petitioner has been revealed in the alleged occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is having a fair antecedent inasmuch as he is accused in one other case which pertains to minor offences. The learned counsel for the petitioner has further submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court vide order dated 18.12.2019 passed in Criminal Misc. No. 66231 of 2019, order dated 02.06.2020 passed in Criminal Misc. No. 8540 of 2020 and order dated 03.07.2020 passed in



Criminal Misc. No. 20639 of 2020. The learned counsel for the petitioner has also submitted that specific accusation has been levelled against the FIR named accused persons of having engaged in indiscriminate firing upon the brother of the informant resulting in his death, and as far as the petitioner is concerned, there is no allegation of any sort of specific overt act having been engaged in by him. Lastly, it is submitted that the petitioner is languishing in custody since 05.11.2019.

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

Having considered the submissions advanced by the learned counsel for the parties and having taken into account the materials on record as also in the case diary in question, this Court finds that the main accusation of indiscriminate firing resulting in the death of the brother of the informant is against the FIR named accused persons and as far as the petitioner is concerned, no specific allegation of any sort of overt act has been levelled and, moreover similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court, hence I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed



to be released on bail on furnishing bail bond of Rs. 10,000/-
(Ten Thousand) with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Saharsa in
connection with Saharsa P.S. Case No. 411 of 2019.

(Mohit Kumar Shah, J)

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