

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22892 of 2020**

Arising Out of PS. Case No.-67 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

SHEOMUNI SINGH @ MANEGER SINGH Son of Late Madhi Singh @
Ran Vijay Singh Resident of Village-Chaitta, Kudra, P.S.-Kudra, District-
Kaimur (Bhabua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 24711 of 2020

Arising Out of PS. Case No.-67 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

1. VIKASH SINGH @ VIKASH KUMAR SINGH Son of Ashok Singh
Resident of Village- Chaita Mahalla, P.S.- Kudra, District- Kaimur at
Bhabua
2. Gular Singh @ Anchal Kumar Son of Manejar Singh Resident of Village-
Chaita Mohalla, P.S.- Kudra, District- Kaimur at Bhabua.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22892 of 2020)

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Renu Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 24711 of 2020)

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Surendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 25-11-2020 Learned counsel for the petitioners undertakes to remove
all the defects pointed out by the Stamp Reporter within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioners in both the
applications.



The petitioners are seeking anticipatory bail in connection with Kudra P.S. Case No. 67 of 2020 registered for the offences punishable under Sections 147, 149, 323, 338, 307, 353, 504 of the Indian Penal Code.

So far as Cri. Misc. No. 22892 of 2020 is concerned, the sole petitioner Sheomuni Singh @ Maneger Singh has been named amongst 11 persons mentioned in the FIR and it is alleged that when the police had surrounded the residential house of accused Chhotu Singh, Gular Singh and Meneger Singh in connection with Kudra P.S. Case No. 46 of 2020 and 65 of 2020 and wanted to arrest them, the named accused persons started throwing stones on the police party in which few police personnel became injured and they somehow saved their life.

Learned counsel submits that so far as the sole petitioner in Cri. Misc. No. 22892 of 2020 is concerned, he has got no criminal antecedent and there was no reason for him to indulge in such occurrence. It is also submitted that police party had reached in the village at about 11:30 P.M. i.e. during night hour and from the description of the members of the police force it would appear that there was no female/lady constable, therefore, the very attempt taken by the police force to enter into a residential house where ladies are living during the night hours was wrong and under such circumstance the villagers might have mistaken the police party. It is submitted that the injuries to the two police personnel are simple in nature and there



is no identification of the petitioner by any credible source.

As regards the two petitioners in Cri. Misc. No. 24711 of 2020, learned counsel submits that petitioner no. 1 has got two criminal antecedent but in both the cases he is on bail. So far as petitioner no. 2 is concerned, he was implicated in Kudra P.S. Case No. 46 of 2020 but he has been granted bail in the said case by learned court below itself. In this regard statements have been made in paragraph '3' of the petition. Adopting the submission of learned counsel for the petitioner in Cri. Misc. No. 2282 of 2020, learned counsel for the petitioners in Cri. Misc. No. 24711 of 2020 submits that these petitioners had no reason to indulge in throwing stones on the police party, there is no identification of the petitioners, allegations are general and omnibus and the injuries are simple in nature. It is their submission that the case is nothing but an example of over-implication of these petitioners.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner in both the applications, however considering the facts and circumstances of the case, there being no credible identification of the petitioners on the spot, the police had gone to surround the residential house at 11:30 P.M. and then the injuries being simple in nature, let the petitioners of both the applications above-name in case of their arrest or surrender within a period of four weeks from today be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each



with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Kaimur at Bhabua in connection with Kudra P.S. Case No. 67 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

These applications are allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

