

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12248 of 2021

Arising Out of PS. Case No.-133 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

1. RANJAY SINGH @ RANJAY KUMAR SINGH S/o Bishwanath Singh R/o village- Faizullahpur, P.S.- Baikunthpur, District- Gopalganj
2. Rambabu Singh @ Shyambabu Singh S/o Harendra Singh R/o village- Faizullahpur, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kr Singh No.3- Advocate

For the Opposite Party/s : Mr. Anil Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-07-2021 Heard Mr. Arun Kumar Singh No.3, the learned Advocate for the petitioners and Mr. Anil Kumar, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Baikunthpur P. S. Case No.133 of 2019, instituted for the offences under Sections 341, 323, 307, 504/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petition for anticipatory bail was earlier rejected by this Court vide order dated 15.06.2020 in Cr. Misc. No.85497 of 2019. On that occasion, nobody had appeared on behalf of the petitioners.

Mr. Singh has submitted that because of the counsel



for the petitioners not being able to hook to the on-line Court room proceeding, there was no appearance.

However, he submits that during the course of investigation, most of the injured persons have disclosed that someone else had opened fire and the petitioners though were armed with weapons but they did not resort to firing.

It appears from the F.I.R. that the petitioners and another were armed with firearm weapons and as the allegation stands in the F.I.R., all of them opened fire, leading to injuries on some of the victims.

At the time of rejecting the anticipatory bail application in the first instance, this Court had noted that the occurrence arose out of trifle and there was also a counter-case with respect to the same occurrence. Two of the accused persons who are alleged to have been armed with lathi were granted anticipatory bail by a Bench of this Court, keeping in mind that there was no injury of lathi on any one of the victims.

It is therefore submitted that should the petitioners surrender before the Court below, their cases also be dealt with at par with such of the accused persons who were armed with lathi and were granted anticipatory bail on the ground that they did not cause any injury to the victims.



It has repeatedly been argued that though the petitioners are said to have been armed with firearm weapons, they never resorted to firing.

Even then, this Court is not inclined to grant anticipatory bail to the petitioners. The prayer is rejected

However, it is observed that in case the petitioners surrender before the Court below and seek bail, their application shall be considered on its own merit, keeping in mind the above noted facts an order shall be passed without being prejudiced by the fact that the anticipatory bail petition on behalf of the petitioners has been rejected for the second time.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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