

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14412 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- BARUN District- Aurangabad

RAM VIJAY SINGH @ RAMBIJAY SINGH Son of Late Bhikhari Singh
Resident of Village - Chapari, P.S.- Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-09-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Barun P.S. Case
No. 206 of 2020 registered under Sections 427, 302/34 of the Indian
Penal Code and 27 of the Arms Act.

Allegedly, while the informant's husband namely, Jitendra
Singh @ Tiger along with his brother and two others was returning
his home from car, in the way, the accused persons intervened and
got stopped the car. It is further alleged that one Sheo Kumar Singh
and two others, who had wrapped their faces, opened fire upon
informant's husband as a result of which, the informant's husband
succumbed to the injuries.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case for oblique reason. The informant is not an eye witness to the alleged occurrence. As per the FIR itself, the informant made statement stating that one Ashok Singh had informed her regarding the occurrence and on the narration given by the said Ashok Singh, she has made statement in the FIR. It is alleged that the petitioner along with other co-accused had fired upon the deceased as narrated to the informant by the said Ashok Singh. On behalf of the petitioner, it has been submitted that the statement of said Ashok Singh has been recorded in paragraph-10 of the case diary. From perusal of the statement of the said Ashok Singh, it is evident that he has named co-accused Sheo Kumar Singh who is alleged to have fired along with some other unknown persons. Admittedly, he has not named the petitioner in his statement recorded under Section-161 Cr.P.C. In his statement, the said Ashok Singh has claimed to be an eye witness to the alleged occurrence. Similar statement has been made by the other independent witnesses who are also said to be eye witnesses to the alleged occurrence. Their statements have been recorded in paragraphs-11 & 12 of the case diary. The said witnesses whose statements have been recorded at paragraphs-11 & 12 of the case diary, have also not named the petitioner rather they have only named co-accused Sheo Kumar



Singh. The informant for oblique reason has tried to develop the prosecution case and named the petitioner in her statement with mala fide intention.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 206 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

