

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27468 of 2020

Arising Out of PS. Case No.-809 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. Santosh Kumar Singh, S/O Raj Kumar Singh, Resident of Vill - Lalpokhar, Dighi, P.S. - Sadar Hajipur, Dist. - Vaishali.
2. Raju Kumar Singh @ Raj Kumar Singh, S/O Late Bharath Singh, Resident of Vill - Lalpokhar, Dighi, P.S. - Sadar Hajipur, Dist. - Vaishali.
3. Rohit Kumar, S/O Nanda Singh @ Nand Kumar Singh, Resident of Vill - Lalpokhar, Dighi, P.S. - Sadar Hajipur, Dist. - Vaishali.
4. Raushan Kumar, S/O Nanda Singh @ Nand Kumar Singh, Resident of Vill - Lalpokhar, Dighi, P.S. - Sadar Hajipur, Dist. - Vaishali.
5. Rahul Kumar Singh @ Rahul Kumar, S/O Randhir Kumar Singh @ Randhir Singh, Resident of Vill - Lalpokhar, Dighi, P.S. - Sadar Hajipur, Dist. - Vaishali.
6. **Vikky Kumar Singh @ Vikky Kumar**, S/O Randhir Kumar Singh @ Randhir Singh, Resident of Vill - Lalpokhar, Dighi, P.S. - Sadar Hajipur, Dist. - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Rajani Ranjan Pd. Singh, Advocate
For the S t a t e	:	Mr. Mustaque Alam, APP
For the Informant	:	Mr. Arjun Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 05-03-2021 At the outset, learned counsel for the petitioners submits that during pendency of the instant application, Petitioner No.6, namely, Vikky Kumar Singh @ Vikky Kumar, has been arrested and therefore, he does not wish to press the application in respect of petitioner no.6 as the same has become infructuous.

Heard learned counsel for the petitioners and the



learned APP for the State as well as learned counsel for the informant.

Petitioner Nos.1 to 5 are apprehending their arrest in connection with Hajipur Sadar P.S. Case No.809 of 2019 registered for the offence punishable under Sections 341, 323, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution alleges that some named and some unknown persons, total 13 in number, came to the informant's house and took away his brother Bablu Kumar for attending a feast. His brother has not returned, whereafter the informant learnt from some persons that accused persons, including the petitioners, have killed his brother and thrown him in a ditch. The victim was found alive and taken for medical attention, whereafter he has stated the names of these petitioners as having assaulted him. Specific allegation of causing firearm injury is alleged against co-accused Nanda Singh.

It is submitted by the petitioners' counsel that the petitioners have falsely been implicated. The implication of the petitioners as a group is based on subsisting class rivalry between the petitioners and the informant. The allegation of causing firearm injury against Nanda Singh is not corroborated



by the injury report which indicates falsity of the implication. The petitioners have no criminal antecedents and there is no allegation in the prosecution case that the petitioners had forcibly taken away the victim for attending a feast.

Learned APP for the State and the learned counsel for the informant have submitted that the victim has also named the petitioners as being one who have assaulted him.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioner No.1 to 5, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur, in connection with Sadar Hajipur P.S. Case No.809 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will



also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners’ counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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