

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36353 of 2020

Arising Out of PS. Case No.-434 Year-2019 Thana- SAHPUR District- Patna

1. Binod Kumar Singh @ Binodh Singh @ Binodh Kumar Singh, Gender Male, aged about 68 years, S/o Late Nanda Singh, Resident of Village-Bhagwatipur, P.S-Shahpur, District-Patna.
2. Bikash Kumar @ Bikash Kumar Singh @ Vikash Kumar Singh, Gender Male, aged about 24 years, S/o Shri Binod Singh, Resident of Village-Bhagwatipur, P.S-Shahpur, District-Patna.
3. Jitendra Kumar @ Jitu Kumar, Gender Male, aged about 25 years, S/o Manoj Kumar Singh, Resident of Village Bhagwatipur, P.S Shahpur, District Patna.
4. Rahul Kumar @ Golu Kumar, Gender Male, aged about 24 years, S/o Bhupendra Singh, Resident of Village-Bhagwatipur, P.S-Shahpur, District-Patna.
5. Roshan Kumar @ Roshan Kumar Singh, Gender Male, aged about 29 years, S/o Binodh Singh, Resident of Village-Bhagwatipur, P.S-Shahpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Kumar Ravish, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-04-2021 Heard both sides through video conferencing.

Petitioners apprehend their arrest in Shahpur P.S. Case No.434 of 2019, registered under Sections 147, 148, 149, 323, 307, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

The informant, Kanhaiya Jee alleged that on 29.10.2019 at about 11.00 A.M. while he was returning from the



house of his advocate, Suraj Kumar, Rahul Kumar, Niraj Kumar, all sons of Ram Kumar Singh, Purushottam Kumar, Mukul Kumar, Vijay Singh, Baban Singh and Ram Kumar Singh were present on the bridge. Suraj Kumar, Mukul Kumar and Purushottam Kumar were armed with pistol and they asked the informant to stop his bike. Suraj Kumar assaulted the informant with butt of his pistol on his head and he also fired. Thereafter the accused persons assaulted him and asked him to withdraw all the three cases being Cases No.144/18, 381/18 and 95/19. The informant further disclosed that Binod Kumar Singh, petitioner no.1, Bikash Kumar, petitioner no.2, Roshan Kumar, petitioner no.5, Jitendra Kumar @ Jitu Kumar, petitioner no.3 and Rahul Kumar @ Golu Kumar, petitioner no.4 were also present there and Binod Kumar Singh ordered to kill the informant.

Learned counsel for the petitioners submits that the petitioners are not named in the first part of the FIR. In the first part of the FIR, name of accused persons are mentioned and they are alleged to have assaulted the informant. Specific allegation is made against Suraj Kumar who is alleged to have assaulted the informant with butt of pistol and he is also alleged to have fired, but in the later part of the FIR, the names of all the



five petitioners are mentioned and the only allegation is made against Binod Kumar Singh who is alleged to have ordered to kill the informant but thereafter nobody assaulted the informant.

Taking into consideration the facts aforesaid and the fact that no allegation is made against the petitioners although their names appear in the second part of the FIR, petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Danapur in connection with Shahpur P.S. Case No.434 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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