

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36937 of 2020

Arising Out of PS Case No.-141 Year-2020 Thana- SANDESH District- Bhojpur

1. Gendhari Singh, aged about 65 years Male.
2. Ram Jee Singh, aged about 69 years, Male.
Both are Sons of Khailash Singh, resident of Village-Surungapur, PS- Sandesh, District- Bhojpur.
3. Sharda Nand Singh, aged about 64 years Male, Son of Late Chandrika Singh, Resident of Village- Khalisha, PS- Udwanatnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Rana Randhir Singh, APP
For the Informant	:	Mr. Nihar Nandan Ambasta, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-02-2021

Heard Mr. Uday Kumar, learned counsel for the petitioners; Mr. Rana Randhir Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Nihar Nandan Ambasta, learned counsel for the informant.

2. The petitioners are in custody in connection with Sandesh PS Case No. 141 of 2020 dated 01.05.2020, instituted under Sections 147/148/149/324/325/307/302/120B of the Indian Penal Code and Section 27 of the Arms Act, 1959.

3. At the outset, learned counsel for the petitioners submitted that he would be pressing the application only on behalf



of petitioners no. 1 and 2, that is, Gendhari Singh and Ramjee Singh and he may be permitted to withdraw the same on behalf of petitioner no. 3, that is, Sharda Nand Singh and liberty be given him to file a separate case as the Court below has rejected such prayer by separate order.

4. In view thereof, the application is restricted to petitioners no.1 and 2, namely, Gendhari Singh and Ramjee Singh and with regard to petitioner no. 3, the same is permitted to be withdraw with liberty aforesaid.

5. The allegation against the petitioners no. 1 and 2 is that they, along with others, had assembled with arms and specifically that they had ordered to fire and co-accused Manjay Singh and Vijay Singh had fired on the informant side leading to injury to one and death of another.

6. Learned counsel for the petitioners no. 1 and 2 submitted that even as per the FIR no overt act is assigned to them as it has been stated that they were the order giver. Learned counsel submitted that against petitioner no. 1, there is one other criminal case, but that is for the same occurrence and with regard to petitioner no. 2, there are three cases but two are connected with the same case. Learned counsel submitted that the parties are



agates and there is land dispute. It was submitted that the petitioners are in custody since 02.05.2020.

7. Learned APP submitted that as per the allegation, the petitioners have ordered for firing which has ultimately resulted in the death of one person and life-threatening injury to another.

8. Learned counsel for the informant submitted that the petitioners were equally responsible for the incident. However, he could not controvert the fact that against the petitioners, there is no allegation of any overt act and it has only been said that upon their calling, two other co-accused had fired.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners no. 1 and 2 be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bhojpur at Ara in Sandesh PS Case No. 141 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory



provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	
T	

