

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1662 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- NOORSARAI District- Nalanda

1. Niwas Lal, aged about 25 years (Male),
2. Vikas Lal, aged about 27 years (Male),
Both sons of Kamla Prasad @ Kamla Prasad Sinha, resident of village -
Jagdishpur Tiaryi, P.S. Noorsarai, District Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kr. Thakur, Advocate
For the Opposite Party/s :	Mr. Satya Prakash, Advocate
	Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-04-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners, Mr. Satya Prakash, learned counsel for the informant and Mr. Lakshmi Kant Sharma, learned counsel appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Noorsarai P.S. Case No. 124 of 2020 registered for the offence under Section 307, 385, 34 of the I.P.C. and Section 27 of the Arms Act.

The allegation as per the First Information Report is that the petitioners along with other accused persons started firing indiscriminately upon the informant but the same did not hit anybody. It has further been alleged that petitioners



demanded Rs. 50,000/- from the informant and threatened him that if the amount would not be paid, his entire family would be eliminated.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to previous enmity between both the parties inasmuch as earlier the petitioner no.- 2 had lodged Noorsarai P.S. Case No. 42 of 2017 against the informant of the present case and others and there is political rivalry between the side of the petitioners and the informant the circumstances of which have been explained in paragraph no. – 10 onward of this bail application. Learned counsel further submits that criminal cases were lodged against the petitioners in connection with political rivalry and vote politics. Learned counsel further submits that petitioners are in custody since 15.09.2020.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioners have got criminal antecedent and against the petitioner no.- 1 (Niwas Lal) CCA has been imposed by the State Government which learned counsel for the petitioners denied and as has stated that petitioner no. – 1 has not received any notice / information from the State Government regarding



imposition of CCA against him.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the nature of allegation and the previous enmity between the parties, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate VII, Nalanda at Biharsharif in connection with Noorsarai P.S. Case No. 124 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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