

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4725 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- SONO District- Jamui

Rupesh Singh Son Of Madan Singh Resident Of Village- Mudro, P.S.- Sono,
District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6287 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- SONO District- Jamui

Rajesh Singh @ Rajesh Kr. Singh Son Of Ranveer Singh R/O Village- Madro,
P.S.- Sono, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29489 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- SONO District- Jamui

AJIT RAM Son of Late Lallu Ram Resident of Village - Malaypur, P.S.-
Malaypur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4725 of 2022)

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

For the Informant : Mr. Shaukat Alam, Advocate.

(In CRIMINAL MISCELLANEOUS No. 6287 of 2022)

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

For the Informant : Mr. Shaukat Alam, Advocate.

(In CRIMINAL MISCELLANEOUS No. 29489 of 2022)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

For the Informant : Mr. Shaukat Alam, Advocate.



ORAL ORDER

3 24-08-2022

Heard Mr. Ramakant Sharma, learned Sr. counsel, and Mr. Satya Prakash Parasar, learned counsels for the petitioners, Mr. Shaukat Alam, learned counsel for the informant as well as Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

With the consent of the parties, all the matters are being heard together and disposed of by the present common order.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Sono P. S. Case No. 198 of 2021 registered for the offences punishable under Sections 302, 384 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written complaint filed by the informant alleging therein that while he was sitting in his clinic on 23.07.2021, all of a sudden all the F.I.R. named accused persons along with 3 to 4 unknown



persons armed with *lathi* and *danda* and entered into his clinic and said that he has been demanded Rs. 5,000/- per month but the same has not been paid till date. On protest, co-accused Santosh Singh fired upon the brother of the informant on his stomach due to which he sustained fire-arm injury, later on, succumbed to the same. It is further alleged that other accused persons made indiscriminate firing, which hit to his son Md. Monu over his back.

Learned counsels appearing on behalf of the petitioners submitted that so far the petitioners are concerned, there is general and omnibus nature of allegation of firing, however, on account of the alleged firing, it is stated that the son of the informant sustained bullet injury over his back but the injury report brought on record, it appears that no injury has been found over the back of the son of the informant in as much as only one lacerated injury was found over the lips of Md. Monu caused by hard and blunt substance. It is next submitted that that with regard to the same occurrence, there was counter version being Sono P. S. Case No. 199 of 2021, which has been lodged by sister-in-law of one of the co-accused person. It is last submitted that so far the petitioner in Cr. Misc. No. 4725 of 2022 is concerned, he is in custody since 31.08.2021, having



fair antecedent. The petitioner in Cr. Misc. No. 6287 of 2022, is in custody since 01.12.2021, having fair antecedent and the petitioner in Cr. Misc. No. 29489 of 2022, is in custody since 30.03.2022, having two criminal antecedent.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that there is specific allegation that all the petitioners and other c-accused persons were continuously demanding *rangdari* from the informant and due to non-fulfilment of the same, all the accused persons including the petitioners in furtherance of common intention have made indiscriminate firing due to which the brother of the informant as well as son sustained bullet injury and his brother died on account of firing. It is also submitted that one of the petitioners, namely, Ajit Ram is having two criminal antecedent and he is in custody since 30.03.2022.

Learned APP for the State also opposes the bail application and submits that the occurrence had taken place in broad day light and all the accused persons have actively participated and resorted firing indiscriminately to the informant and his family members.

Having considered the submissions made on behalf of the parties and taking into account the fact that specific



allegation of firing resulting into death of the brother of the informant has been attributed against co-accused Santosh Singh. So far the petitioners are concerned, though there is allegation of indiscriminate firing but none has received any fire-arm injury and so far the injury allegedly sustained to the son of the informant is concerned, the same has not been corroborated by the injury report in as much as no fire-arm injury has been found over the body of Md. Monu and moreover, after completion of the investigation, the charge sheet has been submitted and as such, keeping the petitioners behind the bar would serve no further purposes, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jamui in connection with Sono P. S. Case No. 198 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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