

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6425 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- BELDOUR District- Khagaria

1. Amal Kishore Singh, Son Of Late Babua Singh, Resident Of Village- Sakrohar, P.S.- Beldaur, District- Khagaria
2. Nawal Kishore Singh, Son Of Late Babua Singh, Resident Of Village- Sakrohar, P.S.- Beldaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16347 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- BELDOUR District- Khagaria

Sita Devi, W/O Anant Singh, R/o village- Sakrohar, P.S.- Beldaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24225 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- BELDOUR District- Khagaria

Dilchan Singh @ Dilchan Prasad Singh, Son Of Amirchan Singh, R/O Village- Nawada, P.S.- Choutham, District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6425 of 2022)

For the Petitioner/s	:	Mr.Binod Kumar, Advocate
		Mr. Amar Kumar Singh, Advocate
For the State	:	Mr.Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Ranjeet Kumar Singh, Advocate
(In CRIMINAL MISCELLANEOUS No. 16347 of 2022)		
For the Petitioner/s	:	Mr.Uday Chand Prasad, Advocate
For the State	:	Mr.Syed Mojibur Rahman, APP



For the Informant : Mr. Ranjeet Kumar Singh, Advocate
(In CRIMINAL MISCELLANEOUS No. 24225 of 2022)
For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the State : Mr. Sunil Kumar Pandey, APP
For the Informant : Mr. Ranjeet Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 23-08-2022 **In Cr. Misc. No.6425 of 2022**

After some argument, learned counsel for the petitioners seeks permission to withdraw this application.

Permission is granted.

Accordingly, this application is dismissed as withdrawn.

In Cr. Misc. Nos.16347 of 2022 & 24225 of 2022

Since both the applications arise out of Beldaur P.S. Case No. 178 of 2021, as such, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the Informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Beldaur P.S. Case No.178 of 2021, registered for the alleged offence under Sections 147, 148, 149, 343, 120B, 307, 302, 504 of the Indian Penal Code and Section 27 (3) of the



Arms Act.

As per the prosecution case, the petitioners along with other co-accused persons entered into the house of the informant and shot dead the father and the uncle of the informant and also caused firearm injury to another uncle of the informant. The specific allegation against the petitioner Sita Devi is that she gave order for killing of one Pappu Singh and allegation against the petitioner Dilchan Singh is that he fired upon the deceased Dhananjay Singh.

The learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between the parties. A *Panchayati* was held and the informant and his father was asked to give possession of the land and for this reason the petitioners have been roped in this case. The deceased and the informant were of criminal nature and for this reason they might be killed by the person inimical to them. The learned counsel further submits that the allegation against the petitioner Sita Devi is only that she gave order of killing of one Pappu Singh, but he was not killed and there is no further allegation against this petitioner. At the same time, the allegation against the petitioner Dilchan Singh is general and omnibus as the same allegation is against a number of co-



accused persons. Though 20 persons are alleged to have fired upon the deceased and the injured, but the post mortem report of the father and uncle of the informant shows only three entry wounds on Dhananjay Singh and two entry wounds on the deceased Vijay Singh. However, specific allegation is not against this petitioner Dilchan Singh for causing those injuries. The petitioners are in custody since 09.09.2021. The charge sheet has been submitted in this case. The petitioner Sita Devi is having clean antecedent whereas the petitioner Dilchan Singh is involved in three other cases.

Learned APP as well as learned counsel for the informant opposes the prayer for bail made on behalf of the petitioners. Learned counsel for the informant submits that the petitioner Sita Devi gave order for killing of Pappu Singh and the petitioner Dilchan Singh fired upon the father of the informant, who died on the spot. But the learned APP concedes that the firearm injuries on the deceased do not match with the number of assailants and shots fired by them.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the allegation against the petitioner Sita Devi that she was merely an order



giver and no further act has been attributed to her and at the same time the allegation against the petitioner Dilchan Singh is not corroborated in the post mortem of deceased Dhananjay Singh and also considering the submission of charge sheet and period of custody of the petitioners, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria, in connection with Beldaur P.S. Case No. 178 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner- Dilchan Singh will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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