

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10183 of 2022

Arising Out of PS. Case No.-192 Year-2012 Thana- DARIYAPUR District- Saran

BIJAY SINGH @ VIJAY NARAYAN SINGH @ VIJAY SINGH Son of Late
Rameshwar Singh Resident of Village - Srinagar Matihan, P.S. - Dariyapur,
District - Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 147, 148, 149, 323, 324, 307, 379, 302
of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in short, is that the petitioner and
co-accused Rameshwar Singh ordered to assault the informant's
son, namely, Deepak Kumar, on which co-accused Nagmani
Singh, Shekhar Singh and Kamkhya Singh and 3-4 other
accused persons fired upon the informant's son, due to which he



died.

The earlier anticipatory bail of the petitioner was disposed of vide Annexure 1 to the present application by order dated 11.07.2013 passed in Cr.Misc.No.8039 of 2013 granting liberty to the petitioner to file a fresh anticipatory bail after completion of investigation of Dariyapur P.S. case No.192 of 2012 i.e. the present case.

It has been pointed out on behalf of the petitioner that after investigation the police submitted final form against the petitioner and other accused persons on 29.02.2020 vide Annexure 3 to the present application. Thereafter the court below differed with the said police report report and took cognizance in the matter on 06.07.2021. Hence the present application has been filed on behalf of the petitioner in the light of liberty granted to the petitioner vide Annexure 1 to the present application passed by a Co-ordinate Bench of this Court.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The main allegation of assault is against the co-accused Nagmani Singh, Shekhar Singh and Kamkhya Singh. So far the petitioner is concerned, there is no allegation of



assault alleged against him. The police during course of investigation had found the case to be false against the petitioner. The informant is not an eye witness to the manner of occurrence. The petitioner has been made accused due to ulterior motive.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Dariyapur P.S. case No.192 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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