

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12409 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- MAHUA District- Vaishali

JAI SHANKAR PRASAD SINGH @ BABLU SINGH Son of Dinesh Prasad Singh @ Dinesh Singh Resident of Village- Kutubpur Sahmal, P.S.- Mahua, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 21628 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- MAHUA District- Vaishali

ARUN KUMAR SINGH @ ARUN SINGH @ MUNNA SINGH SON OF LATE SUBANSH SINGH Resident of Village - Kutubpur Sahmal, P.S.- Mahua, Distt.- Vaiahali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12409 of 2021)

For the Petitioner/s : Mr.Umesh Kumar Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 21628 of 2021)

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr. Jitendra Narain Sinha

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 21-02-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehend their arrest in connection with



Mahua P.S. Case No. 02 of 2020 registered for the offences punishable under Sections 302, 120 (B) of the I.P.C. and Section 27 of the Arms Act.

As per allegation, six accused persons named in the FIR along with the present petitioner came to the house of the informant and co-accused Avinash Rai and Vinay Rai @ Bhulla opened fire on the husband of the informant, and committed his murder.

Learned counsel for the petitioners has submitted that the petitioner is innocent. There is no allegation of opening fire against him rather it is against co-accused Avinash Rai and Vinay Rai. He has further submitted that considering this fact that the other co-accused persons were not the assailants, the coordinate bench has been granted them anticipatory bail vide Cr. Misc. No. 26568 of 2020. The case of the petitioners are on similar footing.

On the other hand, learned counsel for the informant has submitted that the informant was issueless and in order to grab her property her husband was killed.

Considering the fact that there is no allegation of open firing on the deceased against the petitioners and also considering that on similar footing other co-accused persons have been granted anticipatory bail by the coordinate Bench, let the petitioners be released on anticipatory bail in the event of their arrest or surrender within four weeks before the learned court below on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate Vaishali at Hajipur in connection with Mahua P.S. Case No. 02 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

SONALI/-

U		T	
---	--	---	--

