

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12771 of 2022

Arising Out of PS. Case No.-231 Year-2021 Thana- SARMERA District- Nalanda

1. Karu Singh @ Narendra Kumar Singh, Son of Late Shri Singh, R/o Village- Gova Chak, P.S.- Sarmera, District- Nalanda.
2. Dactor Singh @ Raghuvir Narayan Singh, Son of Late Jagtu Singh @ Jagat Narayan Singh, R/o Village- Gova Chak, P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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 Sarmera P.S. Case No.231 of 2021, registered for the alleged offence under Sections 147, 148, 149, 323, 307, 326 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the husband and one of his relatives were fired upon by the petitioners and other co-accused persons. The occurrence took place in the background



that the informant married with the victim Kishmish Kumar against the wishes of her family members and the accused persons are stated to be relatives from her parental relationship.

The learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegations against them along with other co-accused persons. However, during investigation, it came to the knowledge that the co-accused Lalo Singh and Ravi Singh fired upon victims Kishmish Kumar and Dablu Kumar, respectively and none of the victims named these petitioners for opening fire on them. Both the victims have recovered. The petitioners are in custody since 21.12.2021 and the charge sheet has been submitted. The petitioners have no criminal antecedent.

Learned APP opposes the prayer for bail submitting the petitioners were part of the unlawful assembly which fired upon the victims. However, learned APP concedes that during investigation it has come in the statement of the victims that one of the assailants who fired upon the victims was Dablu Singh and later on, the name of co-accused Ravi Singh also transpired as the person who also opened fire.

Perused the records.



Having regard to the facts and circumstances and submissions made hereinabove and considering the fact the specific allegation of firing on the victims has come against the co-accused Lalo Singh and Ravi Singh and not against the petitioners and also considering the period of custody of the petitioners and submission of charge sheet as well as clean antecedents, the petitioners are directed to 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 Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Sarmera P.S. Case No. 231 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) 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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