

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22689 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- BIKRAM District- Patna

1. BIPIN SINGH @ VIPIN SINGH @ VIPIN KUMAR SON OF BANKE SINGH R/O VILLAGE- PARIYAWAN, P.S.- BIKRAM, DISTRICT- PATNA
2. VIPUL KUMAR SON OF BIPIN SINGH R/O VILLAGE- PARIYAWAN, P.S.- BIKRAM, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.P.N.Singh, Sr. Adv. Mr.Madhukar Anand, Adv.
For the Opposite Party/s	:	Mr.Md. Matloob Rab, APP Mr.Rajnish Kumar, Adv. Mr.Ramnath Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 302 and 34 of the IPC.

Allegedly, FIR named accused persons including the petitioners with common intention came armed with pistol and knives. Thereafter Vipul Kumar pointed pistol on the head of informant's son and caught his body tightly and Vishal and Vipin stabbed his son several times. It is further alleged that nearby people gathered there and the accused fled away giving



threatening. The son of informant was taken to hospital where he was declared dead.

It is submitted by learned senior counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that after investigation police submitted final form against the petitioners but differing with the final form, the learned court below took cognizance against the petitioners. Learned senior counsel further submits that the alleged occurrence took place on 20.05.2021 but after postmortem the F.I.R. has been lodged. The inquest report was also made on 20.05.2021 and postmortem was conducted on 21.05.2021, thereafter this F.I.R. was lodged. Petitioners have one criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the petitioners are involved in the alleged occurrence and there is specific allegation against them in the F.I.R. The postmortem report also supports the prosecution case. There is allegation against the petitioners to stab the informant's son (deceased), which is supported by the FIR and postmortem report.



Having regard to the facts and circumstances of the case, considering that the F.I.R. was lodged after postmortem of the deceased, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bikram P.S. Case No.90 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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