

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22848 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- BRAHMPUR District- Buxar

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1. Ashok Singh Son Of Late Dwarika Singh R/O Village- Sowar, P.S.-
Brahmapur (KRISHNABRAHAM), District- Buxar
 2. Chandra Prakash Singh Son Of Shri Ashok Singh R/O Village- Sowar, P.S.-
Brahmapur (KRISHNABRAHAM), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satendra Narayan Singh, APP.

For the Informant : Mr. Parijat Saurav, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-07-2022 The present matter has been listed on priority basis on
the motion made by the learned counsel for the petitioner.

Learned counsel for the petitioners is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Anuj Kumar, learned counsel for the
petitioners, Mr. Parijat Saurav, learned counsel for the informant
and Mr. Satendra Narayan Singh, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioners,
above named, who have been made accused and put behind the
bar in connection with Brahmapur (Krishnabraham) P. S. Case
No. 119 of 2022 registered for the offences punishable under



Sections 307, 147, 148, 149, 341, 323, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that earlier on 24.02.2022 Gyan Prakash Singh attacked on uncle of the informant for which a case was lodged in Krishna Braham Police Station. It is further alleged that on 27.02.2022 the F.I.R. named accused persons including the petitioners variously armed with came at the house of the informant and petitioner no. 1, Ashok Singh, ordered to kill him, thereupon, petitioner no. 2, Chandra Prakash Singh fired upon him, however, the bullet did not hit anyone. It is further alleged that co-accused Gyan Prakash Singh fired on the informant, which hit on the his right leg.

Learned counsel appearing on behalf of the petitioners submitted that both the parties are agnates and there are various cases filed against each other and due to which there is old enmity persisting between the parties. It is further submitted that from tenor of the F.I.R., it is evident that only allegation against the petitioner no. 1 is that he ordered to kill the informant and his persons and thereupon, the petitioner no. 2 fired, but that did not hit anyone and except that there is no allegation of any overt act. It is next submitted that so far the



injury caused to informant is concerned, the same is attributed to the co-accused Surya Prakash Singh. It is next submitted that the petitioner no. 1, aged about 65 years old is a retired person, whereas the petitioner no. 2 is a constable in Jharkhand Police. It is lastly submitted that so far the injury is concerned, the same has been found to be simple in nature and moreover, the petitioners are in custody since 28.02.2022 and they are ready to give undertaking that they will remain present on each and every day of the trial and will not indulge in tampering with the evidences and intimidating the witnesses.

On the other hand, learned counsel for the informant opposes the bail application and submits that the entire case is required to be looked into on the background of the case, which shows that just prior to the four days of the alleged occurrence, an F.I.R. has been instituted by uncle of the petitioner and now the petitioners are making threatening to withdraw the earlier case.

Learned APP also opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the nature of accusation, apart from that the specific allegation of causing firearm injury is attributed to another co-accused person in as much as the



injury has been found to be simple in nature and the petitioners are in custody since 28.02.2021, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahmapur (Krishnabraham) P. S. Case No. 119 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have



concealed their criminal antecedent, the court below shall take step for cancelling of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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