

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35673 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- DARIYAPUR District- Saran

1. AKHILESH KUMAR SINGH @ AKHILESH SINGH S/O- Ram Pyare Lal Singh R/O Vill - Samaspura, P.S. - Dariyapur, District - saran.
2. Santosh Shukla @ Santosh Pandit S/O- Uma Nath Shukla R/O Vill - Samaspura, P.S. - Dariyapur, District - saran.
3. Chhote Lal Singh S/O Keshav Singh R/O Vill - Samaspura, P.S. - Dariyapur, District - saran.
4. Nirbhay Kumar S/O - Sri Raghubir Prasad R/O Vill - Samaspura, P.S. - Dariyapur, District - saran.
5. Rahul Kumar @ Abhishek Kumar S/O- Surendra Pandit R/O Vill - Samaspura, P.S. - Dariyapur, District - saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad.
For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-01-2022 Heard Mr. Shiv Shankar Prasad Singh, the

learned counsel for the petitioners and the learned APP for

the State.

Mr. Singh seeks permission to withdraw the

petition with respect to the petitioner no. 1, who has been

arrested during the pendency of this petition.

The petition with respect to the petitioner no. 1/

Akhilesh Kumar Singh @ Akhilesh Singh is dismissed as

having become infructuous.



The petitioner nos. 2 to 5 seek bail in anticipation of their arrest in connection with Dariyapur P.S. Case No. 265 of 2020 dated 06.08.2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code.

The accusation in the FIR is that one person was killed whereas another was severely injured.

The learned counsel for the petitioners has submitted that 35 persons have been named in the FIR including him and about 10 to 15 unnamed persons are also alleged to have committed the occurrence. Some of the accused persons have been specifically attributed with the weapons of assault and overt act of killing one person and injuring another. So far as the petitioner nos. 2 to 5 are concerned, except for their being named in the FIR, there is no other accusation against them.

The learned counsel for the petitioners has further submitted that one of the co-accused persons of this case, namely, Uday Singh @ Uday Kumar has been granted anticipatory bail by this Court vide order dated 20.12.2021



passed in Cr. Misc. No. 8479 of 2021. Other accused persons, similarly situated have also been granted bail by the different Benches of this Court vide order dated 17.09.2021 passed in Cr. Misc. No. 5108 of 2021 and order dated 24.11.2021 passed in Cr. Misc. No. 5744 of 2021.

Considering the facts aforesaid, the petitioner nos. 2 to 5, are directed to be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bond in the sum of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sonapur, Saran at Chapra, in connection with Dariyapur P.S. Case No. 265 of 2020, subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Ashutosh Kumar, J)

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