

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13800 of 2022

Arising Out of PS. Case No.-515 Year-2021 Thana- DEHRI TOWN District- Rohtas

Abhishek Kumar Singh @ Abhishek Singh Son Of Lakshanadev Singh R/O
Village- Manaura, P.S.- Dehri (M), District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 14172 of 2022

Arising Out of PS. Case No.-515 Year-2021 Thana- DEHRI TOWN District- Rohtas

Chandan Kumar Son Of Naresh Singh R/O Village- Manaura, P.S.- Dehri (T),
District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 14224 of 2022

Arising Out of PS. Case No.-515 Year-2021 Thana- DEHRI TOWN District- Rohtas

Mintu Singh @ Balwant Singh S/o Subhash Singh Resident of Village-
Manaura, P.S.- Dehri Muffasil, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 28988 of 2022

Arising Out of PS. Case No.-515 Year-2021 Thana- DEHRI TOWN District- Rohtas



Ramayan Singh @ Amar Kumar Singh Son of Laxman Deo Singh Resident of
Village - Manaura, p.s.- Dehri (T), Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 29212 of 2022

Arising Out of PS. Case No.-515 Year-2021 Thana- DEHRI TOWN District- Rohtas

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Niraj Kuamr @ Niraj Singh Goswami S/o Dukhan Goswami Resident of
Village- Manaura, P.S.- Dehri (T), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 30802 of 2022

Arising Out of PS. Case No.-515 Year-2021 Thana- DEHRI TOWN District- Rohtas

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Navjeet Singh @ Navneet Kumar Singh @ Nisu Son of Dharmendra Singh
Resident of Village - Manaura, P.S.- Dehri (T), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 13800 of 2022)

For the Petitioner/s : Mr. Bhaskar Shankar

For the State : Mr. Ram Sumiran Rai

For the Informant : Mr. Rajanikant Singh

(In CRIMINAL MISCELLANEOUS No. 14172 of 2022)

For the Petitioner/s : Mr. Uma Shankar Singh

For the State : Mr. Md. Aslam Ansari

For the Informant : Mr. Rajanikant Singh

(In CRIMINAL MISCELLANEOUS No. 14224 of 2022)



For the Petitioner/s : Mr. Rana Vikram Singh
For the State : Mr. Choubey Jawahar
For the Informant : Mr. Rajanikant Singh
(In CRIMINAL MISCELLANEOUS No. 28988 of 2022)
For the Petitioner/s : Mr. Surendra Kumar Mishra
For the State : Mr. Akshay Lal Pandit
(In CRIMINAL MISCELLANEOUS No. 29212 of 2022)
For the Petitioner/s : Mr. Surendra Kumar Mishra
For the State : Mr. Akshay Lal Pandit
(In CRIMINAL MISCELLANEOUS No. 30802 of 2022)
For the Petitioner/s : Mr. Surendra Kumar Mishra
For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 21-09-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Dehri
(T) P.S. Case No. 515 of 2021, registered for the offences
punishable under Sections 307, 302, 341, 504, 323, 324
and 34 of the Indian Penal Code.

The F.I.R. has been lodged against four accused
persons by father of the deceased, Ritesh Ojha, alleging that
his son in injured condition has stated to him that when he
along with his friends Nitish, Sahil and Munna Ram were
taking tea near Jharkhandi temple, accused Mintu Singh,
Abhishek Singh, Vishal Singh and Chandan Singh along with
20 other unknown persons came by 10 motorcycles and had
entered into altercation with them. In the course of this



altercation, aforesaid four accused badly injured him by knife.

Learned counsel for the petitioners, Ramayan Singh, Niraj Kumar and Navjeet Singh submit that they are not named in the F.I.R. nor any incriminating material has come during the course of investigation against them despite the fact that investigation is complete and charge-sheet has been submitted. They also submit that no TIP has been conducted till date. They further submit that all the petitioners have been languishing in jail since 18.02.2022.

It is also stated in paragraph no. 2 of the petitions that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

Learned counsel for the petitioners, Abhishek Kumar Singh, Mintu Singh and Chandan Singh submit that they are innocent and have falsely been implicated in this case. They further submit that the informant is not an eye-witness and the FIR has been lodged allegedly as per statement of the victim/deceased. However, there is no veracity of such alleged dying declaration. They further



submits that even in the case-diary, two injured witnesses, Sahil and Munna Kumar, who were allegedly injured in the said occurrence, have not named any of the petitioners as accomplice of the alleged offence. They also point out that even as per another injured witness, Sahil, the petitioners are not shown to be offender. At best, they were seen in the crowd. They also submit that even the other injured witness Nitish Kumar has not stated that the accused-petitioners had assaulted the deceased, Ritesh Ojha, though this witness has alleged that he himself was assaulted by these petitioners. The learned counsel for the petitioner, Mintu Singh further submits that he was not present at the time of alleged occurrence because he was attending Lok Adalat on the same day and in support of the claim he filed an Award of the Lok Adalat dated 11.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of Cr. Misc. No. 13800 of 2022; Cr. Misc. No. 29212 of 2022;



and Cr. Misc. No. 30802 of 2022 that petitioners have no criminal antecedents.

Further, vide supplementary affidavit filed in Cr. Misc. No. 14172 of 2022, it has been stated that the petitioner has been earlier made accused in one more case, namely, Dehri P.S. Case No. 362 of 2015.

However, in Cr. Misc. No. 14224 of 2022, in paragraph 3, it has been stated that the petitioner, Mintu Singh @ Balwant Singh has earlier been made accused in two more cases, namely, Rohtas (Dehri) Town P.S. Case No. 362 of 2015 and Rohtas (Dehri) Town P.S. Case No. 315/19(527/19).

Further in Cr. Misc. No. 28988 of 2022, in paragraph 3, it has been stated that the petitioner has earlier been made accused in a case, namely, Rail Dehri P.S. Case No. 37 of 2020.

However, the learned APPs for the State vehemently oppose the prayer of the petitioners for bail particularly petitioners, Abhishek Kumar Singh, Mintu Singh and Chandan Kumar, submitting that the alleged offence is



serious in nature and there is sufficient material to show their culpability in the alleged offence. He further submits that one injured witness Nitesh Kumar directly alleged that he was assaulted by accused-petitioners. He also submits that as per the dying declaration of deceased, Ritesh Ojha as it is apparent from the F.I.R., petitioners Abhishek Kumar Singh, Mintu Singh and Chandan Kumar had assaulted the victim Ritesh Ojha by knife which ultimately led to his death. As per the post-mortem report, he had died due to shock and cardio-respiratory failure on account of injuries. Learned APP further submits that charge-sheet has already been submitted and case is at the stage of framing of charge as per the report from the Trial Court. With reference to the plea of alibi taken by the learned counsel for the petitioner, Mintu Singh, the learned APP submits that such plea should be looked into only during trial.

Considering the aforesaid facts and circumstances, and seeing the nature of offence and material on record, the petitioners, namely, Ramayan Singh, Niraj Kumar and Navjeet Singh are directed to be released on bail on their



furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Smt. Aditi Gupta, Judicial Magistrate-I, Dehri (Rohtas) in connection with Dehri (T) P.S. Case No. 515 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel



the bail bond of the petitioners after hearing him and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The prayer for bail in regard to Ramayan Singh, Niraj Kumar and Navjeet Singh is accordingly allowed.

However, considering the nature of allegation and materials on record, I am not persuaded to enlarge the petitioners, Abhishek Kumar Singh, Mintu Singh and Chandan Singh on bail at this stage.

The prayer for bail in regard to Abhishek Kumar Singh, Mintu Singh and Chandan Singh is accordingly rejected.

However, the Trial Court is directed to expedite the trial. In case, the trial is not concluded within four months, the petitioners are at liberty to renew their prayer for bail.

The applications stand disposed of accordingly.



The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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