

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36899 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Harinarayan Singh, Son Of Late Anup Singh, R/O Village- Brindawan, P.S.-
Nowkothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
For the informant	:	Dr. Alok Kumar Alok, Advocate
For the State	:	Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard Mr. Ajay Kumar Thakur, learned counsel

for the petitioner, the State and Dr. Alok Kumar Alok,

learned counsel for the informant through virtual mode in

view of COVID-19.

Let the defect(s) be removed within four weeks of

the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection

with Nowkothi P.S. Case No.19 of 2022 instituted under

Sections 337,338,307,302,120(B) of the Indian Penal Code

and Section 27 of the Arms Act.

As per the FIR, informant, Abha Devi lodged FIR

on 08.02.2022 alleging that on 08.02.2022 at 8.30 A.M.,

while she was at her house, all of sudden her villagers and



accuseds herein namely Akhilesh Kumar, Manoj Singh, Gopal Kumar, Ram Kishore Singh, Bakhtar Singh, Ramballabh Singh, Rambol Singh (@ Kurra), Chandan Singh, Vibhay Singh, Butul Kumar, Pampam Kumar and Harinarayan Singh (the petitioner herein) along with 8-10 unknown persons variously armed came at her house and started abusing upon which she along with her family members came out from the house and opposed their action. They thereafter resorted to firing. Her husband, Ranjit Kumar (deceased) hide himself in the room of Anganbari Centre and closed it from inside but all the accused persons after breaking the door entered the room and started assaulting her husband and also fired on him as a result of which her husband fell down. Thereafter her husband was dragged out from the Anganbari Centre and he was assaulted with iron rod, lathi, danda bricks and as the informant and others were protesting, the accused persons also fired on them which hit her daughter, Anjali Kumari at her right hand and another shot hit her son, Anand Kumar at jaw and both fell down. Thereafter on *hulla* seeing the villagers coming all accused persons retreated. Her husband



was dead by then. Thereafter villagers took her injured son and daughter for treatment at Sadar Hospital, Begusarai where their treatment was going on. She further alleged in the FIR that the firing made by Ram Kishore Singh hit her daughter, Anjali Kumari and the shot fired by Akhilesh Kumar hit her son, Anand Kumar. Rambol Singh, Akhilesh Kumar and Manoj Singh alleged to have fired on her husband. Accordingly, the FIR has been lodged.

Learned Senior Counsel for the petitioner submits that though the FIR shows that the informant side has been brutally assaulted, so far as this petitioner is concerned, no role has been attributed to him and an omnibus allegation at best can be found incorporated therein alleging his presence at the place of occurrence along with accused persons. In the backdrop of the said fact as also that he is in custody since 09.02.2022 and is aged about 83 years, he deserves bail.

Per contra, Dr. Alok Kumar Alok, a bare perusal of the entire FIR shows how the accused have assaulted the family members including the female inmate and as such the petitioner being incorporated in the category of accused



does not deserve bail.

Although it is true that going through the FIR, it seems that the accused have brutally assaulted the family members inasmuch as the skull of the husband of the informant was smashed, so far as this petitioner is concerned nothing specific has been attributed and the lady informant had alleged specific role to each and every accused persons and in the aforesaid backdrop as also the fact that he is 83 years old and is in custody since 09.02.2022 do not have any criminal antecedent, this Court is inclined to grant him privilege of bail. If, however, it is found that any statement is found to be incorrect in the bail application, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Nowkothi P.S. Case No.19 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to



show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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