

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37998 of 2022

Arising Out of PS. Case No.-418 Year-2020 Thana- BIDUPUR District- Vaishali

KAUSHAL KISHORE SINGH @ SAURABH SUMAN Son of Binai Singh
@ Binay Singh Resident of Village - Basantpur Kakarhatta, P.S.- Bidupur,
District - Vaishali at Hazipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Narsingh Tanti, A.P.P.
	Mr. Miritjunjay Kumar, Advocate
	Ms. Shilpa Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 323, 323,
307, 302 of the Indian Penal Code & Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner
has antecedent of one case and the informant alleges that on
05.10.2020 at about 03:00 PM, 10 named accused persons along with
4-5 unknown came variously armed at his door and surrounded him
and his son and assaulted them, it is next alleged that informant fled
and concealed himself from where he saw the occurrence and saw
that Virendra Prasad Singh assaulted his son with sharp edged
weapon causing injury on his abdomen, Chandra Dev Kumar Singh
indiscriminately fired upon his son but missed and after that he



pressed the liver of his son with his legs, thereafter Saroj, Jitendra, Sanjay, Anoop, Nagmani, Dhirendra and Amit continuously assaulted his son. It is further alleged that petitioner also came at the place of occurrence and gave orders to kill his son, when named persons from the side of the informant came to rescue his son then the accused persons also attacked them on account of which they sustained injuries, it is further alleged that Chandra Dev Kumar Singh was continuously firing and also said that he is in Bihar Police and will kill the informant. It is next alleged that cause of occurrence is their children, further his son died on way to the hospital.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegation, it would appear that initially when the occurrence took place, he was not even present at the place of occurrence but came later and gave orders to kill.

Learned counsel for the petitioner further submits that it is very easy to implicate someone alleging that he is an order giver. Learned counsel in a lighter vein submits that had the petitioner given order to the accused to jump from seventh floor whether they would have jumped, it is also submitted that no specific allegation of assault is alleged against the petitioner and similarly situated co-accused has been granted anticipatory bail by a learned Co-ordinate Bench of this Court by order dated 23.02.2022 in Criminal Miscellaneous No. 23484 of 2021 (Saroj Kumar Singh Vs. State of



Bihar)

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of learned counsel for the petitioner that no specific overt act has been alleged against the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bidupur P.S. Case No. 418 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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