

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39476 of 2022**

Arising Out of PS. Case No.-89 Year-2022 Thana- RIVILGANJ District- Saran

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Vinay Singh Son Of Harendra Singh R/O Village- Nayka, Barka Baiju Tola,
P.S.- Rivilganj, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Rivilganj P.S. Case No. 89 of 2022 registered for the offences
punishable under Sections 341, 324, 307, 302 and 34 of the
Indian Penal Code

As per the prosecution, the informant has alleged that
on the alleged date and time his brother Anshu Kumar @
Narayan, Rahul Kumar and Ajit Kumar were returning back to
their home, meanwhile at the alleged place this petitioner with



other co-accused persons armed with dagger were present. Further it is alleged that two co-accused persons namely Neeraj Singh and Sachin Singh stabbed the informant's brother Anshu Kumar at his chest and stomach and in the meantime rest of the co-accused persons namely Vinay Singh (petitioner), Vikash Singh and Babloo Singh attacked at Rahul Kumar and Ajit Kumar and inflicted dagger (knife) injury and during the course of treatment the informant's brother Anshu Kumar @ Narayan succumbed to the injuries.

The main submissions advanced by the learned counsel Mr. Vijay Kumar for the petitioner are that the petitioner and co-accused persons namely Vikash Singh and Babloo Singh are alleged to have caused knife injuries to two persons namely Rahul Kumar and Ajit Kumar but both did not sustain injuries on vital part of their body in that assault and there is no specific allegation against the petitioner to have assaulted the deceased Anshu Kumar @ Narayan and the petitioner has been languishing in jail since 20th March, 2022. Further submission is that both the parties are co-villagers and a dispute arisen during the Holi occasion in between both the parties was the genesis of occurrence.

On the contrary learned counsel for the informant and



learned APP Mr. Sucheta Yadav appearing for the State has vehemently opposed the bail prayer and submitted that in the alleged occurrence one person died and two other persons sustained stab injuries and the petitioner is named in the FIR and against him there is a serious allegation.

Heard both the sides and perused the FIR and the injury reports of the injured persons of present matter filed by the petitioner as Annexure No. 2 and 3. The FIR goes to show that the alleged occurrence was committed in a planned manner and the accused persons including the petitioner attacked at the informant's brothers, though the specific allegation of assaulting and inflicting stab injuries to deceased is against the co-accused Sachin Singh but as per the first part of the occurrence, the petitioner was also a member of that assaulting party and moreover after committing the first part of the occurrence the petitioner allegedly actively participated in assaulting the two injured persons namely Rahul Kumar and Ajit Kumar and he was alleged to have used knife in assaulting the said persons and the said allegation gets corroboration from the injury reports of the Rahul Kumar and Ajit Kumar filed by the petitioner. Considering the nature of the allegation appearing against the petitioner, in the opinion of this Court the petitioner does not



deserve to the privilege of bail. Accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J.)

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