

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39582 of 2022

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

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Vibhay Kumar @ Vibhay Singh @ Jaywardhan Kumar S/o Late Ram Nandan
Singh @ Bhagwati Singh R/o village- Brindawan, Ward No. 01, P.S.-
Naokothi, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 39839 of 2022

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

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Manoj Singh Son Of Late Phucho Singh @ Phucho Singh R/O Village-
Vrindawan (BINDRABAN), P.S.- Nowkothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 39582 of 2022)

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 39839 of 2022)

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate.

For the Opposite Party/s : Mr. Rajiv Nayan, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-11-2022 Both the criminal miscellaneous petitions have arisen

out of the same police station case number, hence they are being

heard together and disposed of by a common order.

The learned counsels for the petitioners are directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsels for the petitioners and the



learned APPs for the State.

Petitioners seek regular bail in connection with Nowkothi P.S. Case No. 19 of 2022 registered for the offences punishable under Sections 337, 338, 307,302 and 120(B) of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution, the informant in her fardbeyan alleged that this petitioner along with some FIR named co-accused and 8-10 unknown persons armed with weapons (Iron rod, lathi, Danda, etc.) came at the house of the informant and started abusing the informant and her family members and upon protest they threatened to kill them and opened fire, thereafter the accused persons assaulted the informant's husband and opened fire at him due to which he fell down and thereafter he was again assaulted by the accused persons. Further it is alleged that the accused persons also opened fire at the informant, her daughter and her son causing fire-arm injury to the informant's daughter and son and during the course of treatment the informant's husband succumbed to the injuries.

The main submissions advanced by learned counsel Mr. Shubhesh Pandey appearing for the petitioner Vibhay Kumar @ Vibhay Singh @ Jaywardhan Kumar are that the petitioner has been languishing in jail since 09.02.2022 and



against him there is no any specific allegation and he is simply alleged to be a member of the alleged mob consisting of twelve named persons and 8-10 unknown persons and one co-accused namely, Harinarayan Singh carrying similar nature of allegation has been granted bail by a co-ordinate Bench of this Court vide order in Cr. Misc. No. 36899 of 2022 and against him there is criminal antecedent of one case in which he has been granted bail by the court below itself.

The main submissions advanced by learned counsel Mr. Sandip Kumar Gautam appearing for the petitioner Manoj Singh are that though against this petitioner there is specific allegation of firing in the FIR but the said allegation does not get corroboration from the post-mortem report of the deceased and according to the post-mortem report the deceased sustained five external injuries which caused his death and the same were opined by the Doctor concerned to be caused by heavy, hard and blunt object and the said medical expert's opinion falsifies the allegation made against the petitioner in the FIR. Further submission is that in fact the son of the petitioner was murdered by the prosecution party for which Vibhutipur P.S. Case No 49 of 2022 had been lodged prior to the institution of the instant case and the petitioner has got clean antecedent.



Learned APPs Mr. Suresh Prasad Singh and Mr. Rajiv Nayan appearing for the State in Cr. Misc. No. 39582 of 2022 and Cr. Misc. No. 39839 of 2022 respectively have opposed the bail prayer.

In view of above submissions and mainly considering the clean antecedent of the petitioner Manoj Singh and also the fact that the allegation of firing made against the petitioner in the FIR does not get corroboration from the post-mortem report of the deceased and against the petitioner Vibhay Kumar @ Vibhay Singh @ Jaywardhan Kumar there is not specific allegation in the FIR and several named and not named persons were alleged to have committed the alleged occurrence and one similarly situated co-accused Harinarayan Singh has been granted bail by a co-ordinate Bench of this Court, in the opinion of this Court in the light of these facts both the petitioners deserve to a lenient approach of this court, let the petitioners be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Begusarai in connection with Nowkothi P.S. Case No. 19 of 2022.

(Shailendra Singh, J.)

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