

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41208 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

ANIL KUMAR SINGH Son of Late Bake Singh R/o village - Hariharpur
Lalgarh, P.S.- G.B. Nagar, District - Siwan, Pin - 841434

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42390 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

1. KAMTA PRASAD SINGH @ KAMTA PRSAD SINGH @ BHUTUR SINGH Son of Bashisth Singh R/o - Mahammadpur Tola, Mirzapur, Mahammadpur, Kaladumra, P.S.- G.B. Nagar, District - Siwan
2. Pinku Singh Son of Baliram Singh R/o - Hariharpur Lalgadh, District - Siwan
3. Nilesh Kumar Singh Son of Sudhir Kumar Singh R/o - 221, Hariharapur Lalagadh, Badhariya, District - Siwan
4. Bhanu Pratap Singh Son of Anil Kumar Singh R/o - Hariharpur Lalgadh, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41208 of 2022)

For the Petitioner/s : Mr.Mukesh Kant, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 42390 of 2022)

For the Petitioner/s : Mr.Mukesh Kant, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-12-2022 Petitioner Bhanu Pratap Singh has been arrested and

he has already withdrawn his petition vide order dated

11.11.2022.



Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners, except petitioner Bhanu Pratap Singh, learned counsel for the informant and learned Additional Public Prosecutor for the State in both the applications.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,307,427,504,387,506 of IPC and Section 27 of the Arms Act.

The prosecution case, in short, is that the on 15.05.2022 the informant alongwith others were taking bricks from his brick kiln. Then all the FIR named accused persons including the petitioner alongwith 8-10 unknown persons carrying country made pistol in their hands came at the brick kiln. For extortion money, one accused Hirdyanand Singh ordered to shoot everyone, then on order, all the FIR named accused persons including the petitioner alongwith 8-10 unknown persons started firing due to which two motorcycles one JCB and two tractors were damaged and one trolley of tractor was taken away by the accused persons. Informant and



other persons injured due to gut shot of accused persons.

Learned counsel for the petitioners submits that petitioners have have falsely been implicated in the present case. Further submits that in fact the informant was in business term with co-accused namely Bhanu Pratap Singh and due to some dispute the present occurrence has taken place. Further submits that there is no allegation of firing is against any of the accused persons rather there is general and omnibus allegation that all the accused persons have fired upon the informant and others. Further submits that the injury report of the injured persons suggest that the injury is simple in nature caused by firearm and there is no specific allegation of firing against any of the accused persons who fired upon whom.

Learned counsel for the informant, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the injury report of the injured Suresh Yadav and Sahim Alam has found grievous in nature but fairly submits that there is no specific allegation against any of the accused persons who fired upon whom. Further submits that petitioner Kamta Prasad Singh carries one more case, petitioners Pinku Singh and Nilesh Singh carry two more cases and petitioner Anil Kumar Singh carries one more case other than



the present one.

Considering the aforesaid facts, let the petitioners, except petitioner Bhanu Pratap Singh, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with G.B.Nagar P.S. Case No. 148 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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