

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47481 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- NAYAGAON District- Begusarai

Akhilesh Kumar @ Anand Kumar Son of Bipin Singh @ Bipin Kumar
Resident of Village - Gorgama, Ward No. 2, P.S. Nayagaon, District –
Begusarai. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP
For the Informant : Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks from today.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Mukesh Kumar Singh, learned APP for the State.

The petitioner in this case is seeking regular bail in connection with Nayagaon P.S. Case No. 16 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 387, 504, 506, 379 of the Indian Penal Code and Section 27 of the Arms Act. He is said to be in custody since 21.05.2022. He has got five criminal antecedents, in four of them the petitioner is on bail and one application is pending before this Court for consideration.

As per the prosecution story, on 04.03.2022 in the evening 5-6 accused persons namely Karu Singh, Shankar Singh, Ghanshyam Singh, Balram Singh, Saurav Kumar @ Gholat Singh armed with



weapons entered in the house of the informant and pointed pistol upon him and his family members in order to commit loot and other accused persons namely Bipin Kumar, Mukund Kumar, Gopal Kumar, Mahabharat, Ramayan Kumar and Rajkishore Singh were moving outside the house having pistol in their hands. When the informant and his family members objected to commit loot Shankar Singh ordered to shot fire thereupon Balram Singh pointed pistol over temporal region of Saroj Kumari (bhabhi of the informant) and out of fear she gave Rs.10,000/- cash to one Saurav Kumar @ Gholat Singh. When the informant and his family members refused to give accused persons the key of the almirah, Ghanshayam Singh shot fire on the informant as a result of which he sustained firearm injury in his abdomen. When the Bhabhi of the informant tried to save the informant, Bipin Kumar entered the house and beaten her. In the meantime, Shankar Singh shot fire on her which hit her on the waist. Thereafter, Karu Singh and Akhilesh Singh have given the jewellery boxes to another accused persons are all fled away by firing in the air.

Learned counsel for the petitioner submits that on perusal of the first information report itself it would appear that on the order given by one Shankar Singh the other accused person namely Balram Singh has pointed pistol over the temporal region of Saroj Kumari and demanded money and also the key of the almirah. It is stated that one Ghanshyam Singh had allegedly fired shot from his pistol which



hit on the abdomen of the informant.

Learned counsel submits that the co-accused Balram Singh and Gopal Kumar have been granted bail in Cr. Misc. No. 29686 of 2022 and Cr. Misc. No. 44909 of 2022 respectively. The petitioner is in custody since 21.05.2022 and it is a case of false implication, therefore, the petitioner deserves privilege of bail.

Learned counsel for the informant has opposed the prayer for bail of the petitioner. On being questioned, learned counsel for the informant submits that the only difference between the case of Balram Singh and this petitioner is that against this petitioner there is also an allegation under Section 379 IPC of taking away of the box, otherwise the allegations are similar.

Learned APP for the State has also opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, there being no allegation of firing against this petitioner and the similarly situated co-accused have been granted bail by a learned Co-ordinate Bench of this Court, the petitioner has remained in custody since 21.05.2022 and there is no submission on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Smt. Neha



Kumari Bhalotia, learned Judicial Magistrate 1st Class, Begusarai in connection with Nayagaon P.S. Case No. 16 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. 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.

The application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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