

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63792 of 2021

Arising Out of PS. Case No.-474 Year-2020 Thana- ISLAMPUR District- Nalanda

VIKASH KUMAR @ VIKASH SINGH @ RAJIV KUMAR Son of
Sachidanand Singh @ Sachita Singh Resident of Village- Bhola Bigha, Police
Station- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67298 of 2021

Arising Out of PS. Case No.-474 Year-2020 Thana- ISLAMPUR District- Nalanda

BITTU KUMAR Son of Sachidanand Singh @ Sachita Singh Resident of
village - Bhola Bigha, P.S.- Islampur, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63792 of 2021)

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar

(In CRIMINAL MISCELLANEOUS No. 67298 of 2021)

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 09-05-2022 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioners seek regular bail in connection with



Islampur P.S. Case No. 474 of 2020 for the offence punishable under Sections 341, 323, 354, 307, 427, 447 and 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that the petitioners along with other accused persons arrived near the house of the informant and the accused Ujjwal Singh fired upon the mother of the informant, due to which she sustained injury and the co-accused Deepak Singh fired upon the cousin brother of the informant. It is further alleged that petitioners along with other accused persons chased the cousin brother of the informant with an intention to kill him, but somehow, he saved himself.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that the informant is gotiya of the petitioners and one after another cases are being lodged by both sides. Much before lodging of the present case, mother of the petitioners has filed a case being Islampur P.S. Case No. 496 of 2020 and as a result of that the petitioners along with others members of the family and other co-accused have been implicated in the present case. One co-accused Suraj Singh @ Surya Mani Singh has already been released on bail by a co-ordinate Bench of this Court vide order



dated 26.03.2021 passed in Cr. Misc. No. 4844 of 2021. Both the petitioners are own brother and the allegation levelled against them is of similar nature. They are in custody since 30.07.2021 and 09.09.2021 respectively.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Considering the aforementioned facts and circumstances of the case and similarly situated co-accused Suraj Singh has already been enlarged on bail by a co-ordinate Bench of this Court, there is no allegation of tampering with the evidence or influencing the witnesses and trial is not likely to be concluded soon, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Islampur P.S. Case No. 474 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



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

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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