

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66488 of 2021

Arising Out of PS. Case No.-64 Year-2021 Thana- DINARA District- Rohtas

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Anish Kumar Son Of Satyendra Singh Resident Of Village - Jigna P. S.-
Dinara, District- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s :	Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Surendra Kumar, APP
For the Informant :	Mr. Ramchandra Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dinara P.S. Case No. 64 of 2021 registered for the offences punishable under Sections 302, 323, 341, 504, 506, 448, 337, 338, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 22.04.2021. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on the basis of fardbeyan of Surendra Singh on 29.03.2021 Manish Kumar and this petitioner came at



the door of the informant and started abusing him. When the informant objected, then after 10 minutes all the FIR named accused persons armed with weapons came there and one Sushil Kumar fired from his pistol which hit Satyendra Singh who died on the way to hospital. It is further alleged that Pappu Singh fired from his rifle on Vijay Kumar. It is also alleged that this petitioner and Manish Kumar was firing in the air.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the allegation of firing in the air is only a concocted story as nothing has been recovered from the place of occurrence to support that. The petitioner is in custody since 22.04.2021 having no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant are present and have opposed the prayer for regular bail of the petitioner as according to them this petitioner was also present at the place of occurrence.

Having regard to the submissions that so far as this petitioner is concerned, no overt act has been alleged against him, the allegation that he was firing in the air is only a concocted story as nothing of that sort has been recovered from the spot and further that in the FIR altogether 15 persons have



been named and the specific allegation of firing upon the deceased is against co-accused Sushil Singh, this petitioner has no criminal antecedent and has remained in custody since 22.04.2021, his presence may also be secured in course of trial, therefore, 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 learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Dinara P.S. Case No. 64 of 2021, 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 stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

