

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66104 of 2021

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

1. Guddu Singh @ Narendra Kumar Singh, Son Of Mahendra Singh R/O Village -Jigna, P.S. Dinara, Dist- Rohtas
2. Bittu Kumar @ Pankaj Kumar Son Of Shreekant Singh, R/O Village - Jigna, P.S. Dinara, Dist- Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

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

For the Informant : Mr. Ramchandra Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-05-2022 Learned counsel for the petitioners 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 petitioners, learned counsel for the informant and Mr. Amit Kumar Rakesh, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Dinara P.S. Case No. 64 of 2021 registered for the offences punishable under Sections 147, 148, 149, 448, 302, 504, 506, 341, 323, 337, 338 of the Indian Penal Code and Section 27 of the Arms Act. They are in custody since 09.07.2021. The petitioners have no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, on the basis of fardbeyan of Surendra Singh



on 29.03.2021 Anish Kumar and Manish Kumar 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 including these petitioners 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.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegation of any overt act against these petitioners. The petitioners have remained in custody since 09.07.2021 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 petitioners as according to them these petitioners were also present at the place of occurrence.

Having regard to the submission that in this case so far as these petitioners are concerned, they have been named in the FIR but neither any weapon has been attributed to them nor any overt act has been alleged against them, the petitioners have otherwise no criminal antecedent and have remained in custody in connection with this case since 09.07.2021, investigation against them is complete and their presence may be secured in course of



trial, therefore, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps 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.

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'.

