

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69209 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- ISLAMPUR District- Nalanda

1. BITTU KUMAR Son of Sachidanand Singh @ Sachita Singh Resident of Village- Bhola Bigha, Police Station- Islampur, District- Nalanda.
2. Vikash Kumar @ Vikash Singh @ Rajeev 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

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Islampur Police Station Case No. 128 of 2020, registered for the offences punishable under Sections 147/148/341/323/307/504/506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information Report, is that altogether 12 accused persons surrounded the informant, while he was going to attend the call of nature and on the instigation of co-accused Surya Mani Singh, co-accused Ujjwal Kumar fired upon the informant, causing gun shot injuries on his arm, chest, neck, forehead, right hand, right thigh



and left ear.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to long standing dispute between the parties and both the parties are agnates. He next submits that there is case and counter case inasmuch as for the occurrence which has taken place on the same date and time, Islampur Police Station Case No. 129 of 2020 has been filed by the side of the petitioners and from perusal of the First Information Report, the petitioners are at best member of the unlawful assembly and no overt act has been alleged against them. He further submits that co-accused persons, namely, Surya Mani Singh (vide order, dated 05.02.2021, passed in Criminal Misc. No. 38149 of 2020) and Sachidanand Singh (vide order, dated 08.02.2022, passed in Criminal Misc. No. 37298 of 2021), have been granted bail by co-ordinate Benches of this Court. He further submits that the petitioners are in custody since 09.08.2021 and 24.09.2021 respectively and charge sheet has already been submitted against them and as such there is no likelihood that the petitioners will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials



on record and the fact that both the parties are agnates, there is case and counter case between the parties, there is admitted land dispute between them, the petitioners are not the assailants, co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioners are in custody since 09.08.2021 and 24.09.2021, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Islampur Police Station Case No. 128 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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