

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70502 of 2021

Arising Out of PS. Case No.-221 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

1. Harendra Singh S/o Sheo Shankar Singh Resident of Village- Kusmahi Tola, P.S.- Udwanthnagar, District- Bhojpur.
2. Hare Ram Singh S/o Sheo Shankar Singh Resident of Village- Kusmahi Tola, P.S.- Udwanthnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Bihari Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP
For the informant	:	Mr. Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 15-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Udwanthnagar P.S. Case No. 221 of 2021
registered for the alleged offences under Sections 341, 323, 307,
302, 504, 506 and 34 of the Indian Penal Code and Section 27
of the Arms Act.

As per prosecution case, the petitioners along with
other co-accused persons surrounded the informant and his
family members and co-accused Jitendra Singh fired upon the



face of the grand-uncle of the informant. The allegation upon the petitioner is that they caught hold of the father of the informant by putting *gamcha* on his neck and co-accused Satendra singh fired upon him with his gun and he died on the spot. The grand-uncle of the informant was referred to Patna for treatment but subsequently he died during treatment. The occurrence took place in the background of dispute over some Government land and for taking possession of the same.

The learned senior counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Though the FIR has been registered under Section 27 of the Arms Act, but no recovery of any fire arm has been made from the petitioners or other co-accused persons. The police is aware of the fact regarding the innocence of the petitioners but in collusion with the enemies of the petitioner, at their instance the informant has named the petitioners in this case. There is no independent witness. From the facts of the FIR, it is apparent that only allegation against the petitioners is that they restrained the informant's father. Land dispute is admitted. The occurrence took place as accused Sheo Shankar had earlier filed a complaint petition before the Circle Officer Udwantnagar regarding encroachment of the



Government land by informant and his family. The informant of this case is used to encroach the land of the Government situated near the house of the petitioner and the petitioner requested him several times to remove the encroachment, but the informant and his family attacked the house of one Sunaina Devi making complaint to the Circle Officer. They also opened fired and one such shot hit one Suresh Singh who died on the spot and Udwanthnagar P. S. Case No. 232 of 2021 has been registered for the said occurrence by one Sunaina Devi. The petitioners are in custody since 01.06.2021 and charge-sheet has been filed. The petitioner is having clean antecedent.

Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner submitting that from the FIR itself it is clear that the petitioners caught hold of the father of the informant who was subsequently shot at and later on died. The petitioners are equally liable as the person who fired the shot. Learned counsel further submits that in the case filed by the informant's side, the police filed the final form and he did not find the case true.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further



considering the fact that there is no allegation against the petitioners for causing any fatal injury and further considering their period of custody and the submission of charge-sheet along with clean antecedents of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara in connection with Udwanthnagar P.S. Case No. 221 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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