

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70986 of 2021

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

1. VIMAL SINGH Son of Late Bindeshwari Singh Resident of Village- Bhola Bigha, P.S.- Islampur, District- Nalanda.
2. Nawal Singh Son of Late Bindeshwari Singh Resident of Village- Bhola Bigha, P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

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

As per prosecution case, 12 accused persons including the petitioners surrounded the informant while he was going to attend the call of nature and on instigation of co-accused Suryamani Singh, co-accused Ujwal Kumar resorted firing upon the informant causing firearm injury on his arm, chest, neck, forehead, right hand, right thigh and left ear.



Learned counsel for the petitioners submits that petitioner no. 1 is in custody since 30.10.2021 whereas petitioner no. 2 is in custody since 09.08.2021 and petitioner no. 1 bears criminal antecedent of one case whereas petitioner no. 2 bears criminal antecedent of two cases. He further submits that both parties are agnates and due to previous dispute this occurrence has taken place and the informant named the petitioners in this case with a view to harass them. He further submits that there is case and counter case for the same occurrence which has taken place on the same date and time. He further submits that from perusal of the FIR, the petitioners are at best member of unlawful assembly and no specific overt act has been alleged against them. He further submits that co-accused Surya Mani Singh who is the order giver has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 38149 of 2020. Similarly, co-accused Bittu Kumar and Vikash Kumar @ Vikash Singh have been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 69209 of 2021. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.



Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 P.S. Case No. 128 of 2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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