

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71158 of 2021

Arising Out of PS. Case No.-91 Year-2021 Thana- IMADPUR District- Bhojpur

1. Arun Kumar Singh Son of Ramnath Singh Resident of Moapkala, P.S.- Imadpur, District- Bhojpur.
2. Biswanath Singh Son of Rajeshwar Singh Resident of Moapkala, P.S.- Imadpur, District- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2022 Heard learned counsel for the petitioners, the State as well as the informant.

The petitioners are in judicial custody in connection with Imadpur P.S. Case No. 91 of 2021 registered under sections 147, 148, 149, 302, 504, 506 of the Indian Penal Code and section 27 of the Arms Act.

As per the FIR, on 18.7.2021 the informant along with his father and cousin went out for inspection of their field, the co-accused Dipak Kumar Singh, Biswanath Singh and Satyanand Singh along with some other accused persons armed with deadly weapons reached there and started firing at them. They tried to save themselves, in the meantime, co-accused



Dipak Kumar Singh fired at his father Jagdeo Singh, causing injury to his waist, as a result, he fell down with pool of blood and thereafter co-accused Biswanath Singh and Satya Nand Singh also fired at them with intention to kill them and fled away. Later, the father of the informant was admitted in a private clinic where he died on account of his injury.

The learned counsel for the petitioners submits that he has annexed some documents in the bail application itself to show that the petitioners' side was having possession certificate in favour of accused Dipak Kumar Singh (Annexure-2). He further submits that the matter relates to land dispute between the informant and the petitioners and the same was taken up by the officials headed by SHO, Imadpur and Circle Officer, Terara wherein they closed the proceeding on the ground that for the said matters the concerned parties should move before the appropriate Civil Court. He further submitted that the accused Dipak Kumar Singh had also complained before the SDO, Terara which was forwarded to the Circle Officer, Terara, Bhojpur as also SHO, Imadpur, Bhojpur. He lastly submits that the accused Dipak Kumar had preferred a Title Suit No. 93 of 2021 on 30.6.2021 for the said land.

A bare perusal of the FIR would show that besides



Dipak Kumar Singh who opened fire that killed the father of the informant namely Jagdeo Singh, the accused Biswanath Singh and Satya Nand Singh also opened fire.

Considering the aforesaid facts, this Court is not inclined to grant any relief to the petitioner no.2 and his bail application is hereby rejected.

So far as the petitioner no.1 is concerned, in view of the fact that omnibus allegation has been levelled against him along with the other co-accused of firing towards the informant and his family members, this Court is inclined to grant him the privilege of bail with certain strict conditions.

Let the petitioner no.1 be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of Smt. Puja Kumari Sah, Judicial Magistrate, Ara, in connection with Imadpur P.S. Case No. 91 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations while bail application of petitioner no.1 is allowed, that of petitioner no.2 is hereby rejected.

(Rajiv Roy, J)

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