

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18839 of 2023

Arising Out of PS. Case No.-231 Year-2021 Thana- SARMERA District- Nalanda

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Vinay Kumar @ Vinay Kumar Singh Son Of Alakhdev Singh R/O Village-
Govachak, P.S.- Sarmera, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-06-2023 Heard Mr. Pankaj Kumar, learned Counsel appearing
on behalf of the petitioner and Mr. Jharkhandi Upadhyay,
learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Sarmera P.S. Case No. 231 of 2021 for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 307
and 326 of the Indian Penal Code and Section 27 of Arms Act.

3. The prosecution story, in brief, is that informant
Manisha Kumari gave a written petition to S.H.O. of Sarmera
P.S. submitting therein that she married with Kishmish Kumar
and started living with him since 11.02.2020 at Singhaul.
Family members of the informant's *naihar* were annoyed with
this marriage. Then informant's maternal family members came
to know that she is residing at Singhaul, all the F.I.R named



accused persons variously armed with pistol came at her *sasural* and fired at her husband with intention to kill him causing fire arm injury to him. When Dablu Kumar came to save him, accused persons also fired shots at him causing fire arm injury to him. On hearing the commotion, her family members came and the accused persons fled away. The occurrence took place in front of the house of her husband, Kishmish Kumar. On these facts, Sarmera P.S. Case no. 231/2021 was registered and the matter is being investigated.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the F.I.R. However, his name has been arose in course of investigation that he is the main conspirator. The petitioner is nowhere concerned with the family affairs of the informant.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegation made against the petitioner and also his denial that he is not connected with the family affairs of the informant and no overt-act has been alleged against the petitioner. Minuscule evident has not been found against the petitioner, rather he is the main conspirator, I



am of the opinion that petitioner has, *prima facie*, made out a case to be released on anticipatory bail.

7. The petitioner, above named, is directed to be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each, to the satisfaction of learned C.J.M. Nalanda at Biharsharif in connection with Sarmera Police Station Case No. 231 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no.3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no.3, this order will loose its force automatically.

9. The present bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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nilmani/-

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