

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33106 of 2023

Arising Out of PS. Case No.-130 Year-2022 Thana- ASARGANJ District- Munger

SHIVPUJAN SINGH @ CHITRAPUJAN SINGH, son of Late Jago Singh,
R/o Village- Udhadih, P.S.- Sultanganj, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Singh, Sr. Advocate Mr. Manish Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard Mr. Rajesh Singh, learned senior counsel assisted by Mr. Manish Kumar Singh, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The sole petitioner, in the present case, is seeking pre-arrest bail in connection with Asarganj P.S. Case No.130 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner has got no criminal antecedent.

3. As per the prosecution story, on 11.08.2022 at about 4.00 PM the informant was cutting grass in the field situated at Madhodih Bahiyar. The husband of the informant reached there



to watch the field and saw that accused Ranjeet Singh and Sanjay Singh got the cattles grazed in his field. It is alleged that when the informant tried to flee the cattles from his field whereupon altogether 25 persons armed with weapons came there and started assaulting the husband of the informant due to which he sustained injuries and fell down. Thereafter, accused persons took the husband of the informant to his village by dragging him. The informant came to her house and after some time she came to know that her husband was killed by gun shot injury.

4. Learned senior counsel for the petitioner submits that from a bare reading of the FIR, it would appear that the alleged occurrence has been narrated in two parts. In the first part, it is an occurrence between the husband of the informant on the one hand and co-accused Ranjeet Singh and Sanjay Singh on the other hand. In the second part of the occurrence, it is alleged that about 25 persons had assembled at the instance of Ranjeet Singh and they started assaulting the husband of the informant and thereafter they took away her husband who was later on found dead because of the assaults upon him. It is submitted that in the second part also this petitioner is not named but later on a requisition was filed by the I.O. in the



court below saying that one of the co-accused named in the second part of the occurrence is one Chitrapujan Singh which is the alias name of this petitioner.

5. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in this case, he does not have any alias name and moreover in the FIR there is no specific allegation of commission of an overt act. No weapon has been specifically attributed to him.

6. It is further submitted that in fact from the counter case which was registered on the same day and at the same time it would appear that the son of the co-accused Ranjeet Singh was killed by one Pankaj Sah who happened to be the brother of the deceased Pappu Sah. It is submitted that in this background the alleged occurrence seems to have taken place but the informant has falsely implicated the present petitioner.

7. Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but at the same time submits that the allegations against him are general and omnibus.

8. Having regard to the facts and circumstances of the case, the submission that no weapon has been attributed to the petitioner and no overt act has been alleged against him as also



he has no criminal antecedent, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Munger in connection with Asarganj P.S. Case No. 130 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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