

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35494 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- ALAMNAGAR District- Madhepura

1. Rajnish Kumar Singh Son of Vidyanand Singh R/O- Ward No.-7, Tarsua, Bargaon, O.P. Ratwara, P.S.- Alamnagar, District- Madhepura
2. Jitendra Kumar Jyoti @ Jitendra Kumar Singh Son Of Birendra Kumar Singh R/O- Ward No.-7, Tarsua, Bargaon, O.P. Ratwara, P.S.- Alamnagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Shekhar, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-01-2023 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 307, 147, 148 and 149 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant states that while he along with others were sitting at darwaja the 19 named accused persons including the two petitioners herein came armed with sophisticated weapons, started to fire indiscriminately leading to the death of Brij Mohan Kumar. Nathuni Sharma was seriously injured and he also died in course of treatment. The informant and others managed to



escape.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. Besides the allegations being general and omnibus in nature, it is submitted that the injured Nathuni Sharma is purportedly said to have lodged another FIR being Alam Nagar P.S. Case No. 254 of 2021 (Annexure-2) wherein inspite of giving detailed description the petitioners have not been named therein. It is further submitted that the FIR in which the prayer for bail is being made was registered on 12.12.2021 on the basis of the informant's written statement which was also recorded on 12.12.2021, and in the last line of which it has been mentioned that Nathuni Sharma died. Two days after the death of Nathuni Sharma, for the same occurrence, the same Nathuni Sharma son of Late Mohan Sharma lodges the FIR at Annexure-2 wherein his fardbeyan is recorded by the Sub-Inspector of police on 13.12.2021 at 16.30 hours and the FIR registered on 14.12.2021. It is submitted that large number of similarly situated coaccused have been enlarged on either anticipatory bail or regular bail vide orders dated 9.1.2023 passed in Cr. Misc. No. 39148 of 2022, dated 13.9.2022 passed in Cr. Misc. No. 34834 of 2022, dated 30.9.2022 passed in Cr. Misc. No.38302 of 2022 and



dated 12.1.2023 passed in Cr. Misc. No. 34834 of 2022. The petitioners are in custody since 13.12.2021 and 8.1.2022 respectively and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners as narrated in detail hereinabove together with the grant of bail to similarly situated co-accused, the petitioners having remained in custody for more than 1 year since 13.12.2021 and 8.1.2022 respectively and chargesheet having been submitted in the case, the Court directs the petitioners to be enlarged on bail in connection with Sessions Trial No.108 of 2022 (arising out of Alam Nagar P.S. Case no. 253 of 2021) on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIII, Madhepura.

(Partha Sarthy, J)

Bibhash

U			
---	--	--	--

