

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37229 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

Nikki Singh @ Ranvir Singh @ Nikhlesh Kumar Singh Son Of Late Manoj Singh Adopted Son Of Late Baliram Singh, Resident Of Village - Khajuriya, P.S. - Ara Mufasil, District - Bhojpur At Present Reside In Village - Shahpur, P.S. - Shahpur, District - Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38870 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

Gulshan Kumar @ Gulshan Gupta Son Of Late Jyoti Gupta Resident Of Village- Shahpur, Ps- Shahpur, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37229 of 2023)

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

For the Opposite Party/s : Mr. Madhuri Lata, APP

(In CRIMINAL MISCELLANEOUS No. 38870 of 2023)

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 08.02.2023 in connection with Shahpur P.S. Case No. 415 of 2022, F.I.R. dated 28.11.2022 for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, the petitioner and



other co-accused persons are alleged to have fired gun shots indiscriminately upon the brother of the informant, which caused him done to death.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that one co-accused person, namely, ***Vidhayasagar Gupta*** had fired upon the brother of the informant, which hit him on the chest and the petitioner, namely, ***Nikki Singh @ Ranvir Singh @ Nikhlesh Kumar Singh*** along with other three co-accused persons have also fired upon the deceased causing him bullet injury on his head and other parts of the body. He further submits that the specific allegations of firing is attributed against these five accused persons, namely, Vidhayasagar Gupta, Arjun Dhanuk, Gulshan Gupta @ Gulshan Kumar, Nikki Singh @ Ranvir Singh @ Nikhlesh Singh and Krishna Kumar Tatwa. He further submits that that co-accused person, namely, ***Vidhayasagar Gupta*** had fired upon the deceased which hit him on the chest and other four co-accused persons have also fired indiscriminately upon the deceased which hit him on his right Arm. Learned counsel for the petitioner further refer to the post-mortem report and submits that according to the post-mortem



report the deceased sustained three bullet injuries, from which out of three, one could not be squeezed out and another two are handed over the the police which are opined to be covered from the right arm and the chest of the deceased. He further submits that the allegation of firing is attributed against five accused persons and the post-mortem report suggest that the deceased has sustained only three bullet injuries. He further submits that except one bullet injury, which is especially inflicted by the co-accused person, namely, **Vidhayasagar Gupta**, rest of the bullet injuries cannot be ascertained as to whose firing rest of the injuries have inflicted on the person of the deceased. He further submits that the petitioners have been made accused in the present case in the background of political rivalry and the co-accused persons, namely, **Krishna Kumar Tatwa @ Krishna Kumar** against whom the similar allegation of firing is attributed, along with these two accused persons has been granted bail vide order dated 25.05.2023 in Cr. Misc. No. 28935 of 2023, **Kiran Devi** and **Asha Devi** have been granted bail vide order dated 25.04.2023 in **Cr. Misc. No. 15706 of 2023**, **Binod Dhanuk @ Vinod Dhanuk** has been granted bail vide order dated 24.06.2023 in Cr. Misc. No. 35982 of 2023 and **Arjun Dhanuk** has been granted bail vide order dated 31.08.2023 in



Cr. Misc. No. 55175 of 2023. He further submits that the police after investigation submitted the charge sheet against these petitioners. The petitioners are in custody since 08.02.2023 and 09.02.2023 respectively.

5. The learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant have vehemently opposed the prayer for bail of the petitioners and submits that according to the F.I.R. itself, the petitioners along with other co-accused persons have fired upon the brother of the deceased, causing his death during the course of treatment. He further submits that the petitioner, namely, **Nikki Singh** has carried five cases and **Gulshan Kumar @ Gulshan Gupta** have carried three cases other than the present one but fairly submits that on the basis of Paragraph No. 3 of the bail petition, petitioner, namely **Nikki Singh @ Ranvir Singh @ Nikhlesh Kumar Singh** is on bail in all the five cases and **Gulshan Kumar @ Gulshan Gupta** is on bail only in one case out of three cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Chief Judicial Magistrate – Ist, Bhojpur at Ara, in connection with Shahpur P.S. Case No. 415 of 2022, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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