

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55732 of 2022

Arising Out of PS. Case No.-281 Year-2022 Thana- KHUSRUPUR District- Patna

1. Tantan Singh @ Tantan Kumar Singh S/O- ARBIND SINGH Resident of village- Mansoorpur Dih, Police Station- Khusrupur, District- Patna.
2. Jai Ram Singh son of Jai Ram Singh Resident of village- Mansoorpur Dih, Police Station- Khusrupur, District- Patna.
3. Kamal Kumar @Kabal Kumar son of Bhagwat Singh Resident of village- Mansoorpur Dih, Police Station- Khusrupur, District- Patna.
4. Pintoo Kumar @ Pintu Kumar son of Bhagwat Singh Resident of village- Mansoorpur Dih, Police Station- Khusrupur, District- Patna.
5. Mantoo Kumar @ Mantus Kumar son of Kishore Singh Resident of village- Mansoorpur Dih, Police Station- Khusrupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Khusrupur P.S. Case No. 281 of 2022 under
sections 307, 504, 506 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the prosecution story, the allegation is that
one Sonu Kumar was going to flour mill, was intercepted by
accused Subali Singh whereafter he and Aman Kumar opened
fire injuring the cow of one Naulesh Kumar. The further



allegation is that accuseds Rajesh Kumar, Kamlesh Kumar and Aklesh Kumar came and resorted to indiscriminate firing causing injury to one Mohan Singh.

Further allegation against Santosh Kumar is of opening firing causing to Shishupal in his stomach and hand and as the informant was moving towards police station to lodge the FIR, allegation is that all the petitioners present there opened fire. However, it did not hit anyone and he made a call to the police station. The police came and took the injured to the hospital and subsequently the FIR.

Learned counsel for the petitioners submit that omnibus allegation is against all the accused persons herein that when the informant was approaching the police station, they tried to stop him by opening fire.

The learned APP on the other hand submits that so far as the petitioner nos. 2, 3 and 4 are concerned, they do have criminal antecedents of the same nature as reflect from Para-3.

Taking into account the fact that the petitioner no.2, Jai Ram Singh, the petitioner no.3 Kamal Kumar @Kabal Kumar and the petitioner no.4 Pinto Kumar @ Pintu Kumar are accused in Khusrupur P.S. Case No. 187 of 2021 for the offence under sections 341, 323, 457, 379, 504, 506/34 of the



Indian Penal Code read with Section 27 of the Arms Act, this Court is not inclined to grant them the privilege of anticipatory bail which is rejected.

So far as the petitioner no.1 namely Tantan Singh @ Tantan Kumar Singh as also the petitioner no. 5 Mantoo Kumar @ Mantus Kumar are concerned, considering the fact that they do not have criminal antecedents and omnibus allegation of firing is/are against them which did not hit anyone, this Court is inclined to grant them the privilege of bail subject to certain conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance;

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

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

Let the petitioners namely Tantan Singh @ Tantan Kumar Singh as also the petitioner no. 5 Mantoo Kumar @ Mantus Kumar be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna City, in connection with Khusrupur P.S. Case No. 281 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay Singh

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