

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60044 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- KOCHAS District- Rohtas

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1. Raj Narayan Singh, Son of Late Shyam Bihari Singh, R/o Village - Rampur, P.S.- Kochas, District- Rohtas
 2. Chandan Singh @ Chandan Kumar Singh, Son of Raj Narayan Singh, R/o Village- Rampur, P.S.- Kochas, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Binod Murari Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel along with Mr. Mithilesh Kumar Singh, learned counsel for the petitioners, Mr. Binod Murari Mishra, learned counsel for the informant and Mr. Ram Naresh Ray, learned APP for the State.

At the outset, learned senior counsel for the petitioners prays for making necessary correction in para. 1 of the bail application, during the course of the day.

Permission is accorded.



The petitioners seek regular bail, who are in custody in connection with Kochas P.S. Case No.38 of 2022 registered for the offences punishable under Sections 307, 341, 147, 148, 149, 120(B) of the Indian Penal Code and Section 27 of the Arms Act. Later on, Section 302 of the Indian Penal Code has been added.

The prosecution case is based on the written report of the informant alleging therein that on 14.02.2022 while the son of the informant, namely, Dhanjee Singh, was taking dinner in his house, in the meantime, co-accused Ram Sagar Singh came and thereupon son of the informant went along with co-accused Ram Sagar Singh. It is further alleged that the informant followed them and it has been found that when her son reached near temple, all the co-accused persons, including the petitioners, surrounded him and on the exhort made by co-accused Anu Devi, Ram Sagar Singh and Guddu Singh shot fire on the deceased, due to which he sustained fire-arm injury. It is alleged that the petitioners also exhorted to fire upon her son.

Learned senior counsel appearing on behalf of the petitioners submits that from the tenor of the F.I.R. it is evident that no specific allegation of overt act has been alleged against the petitioners and so far the specific allegation is concerned,



the same has been attributed against co-accused Ram Sagar Singh and Guddu Singh, who are said to be the assailants. He further submits that from the F.I.R. it is evident that the occurrence took place on 14.02.2022 at 6.40 PM and thereafter the son of the informant was taken to hospital for treatment by the informant and others. However, from bare perusal of the seizure list, which contains the signature of the informant create suspicion with regard to presence of the informant, apart from the fact that time has not been mentioned in the seizure list as to when the same has been prepared. He next submits that the petitioners are persons of fair antecedent and they are in custody since 08.06.2022 and moreover the investigation of the crime is already complete.

On the other hand learned counsel for the informant vehemently opposes the bail application and submits that all the accused persons in furtherance of common intention surrounded the deceased and exhortion made by the petitioners, he was killed and, as such, the involvement of the petitioners cannot be denied.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf



of the parties and considering the omnibus nature of allegation and the other materials available on record showing improbability of the informant's presence at the place of occurrence, coupled with the fair antecedent of the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sasaram, Rohtas in connection with Kochas P.S. Case No. 38 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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