

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62040 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Nitesh Singh @ Bhodu Son Of Kedar Singh Resident Of Village - Dahiyawan Tola, Tandi, P.S.- Chapra Muffasil, District - Saran At Chapra.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64809 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Golu Kumar Son Of Late Manoj Kumar @ Manoj Prasad R/V- Dahiyawa Tola, Tadi, P.S- Chapra Muffasil, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65170 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Chandan Singh @ Prince Son Of Kedar Singh Resident Of Village - Dahiyawa Tola, Tari, P.S.- Chapra Muffasil, District - Saran At Chapra.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66948 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Kedar Singh Son Of Bhuneshwar Singh R/O Village- Dahiyawan Tola, Tandi, P.S.- Chapra Muffasil, District- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62040 of 2022)
For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Nirmal Kumar Sinha
(In CRIMINAL MISCELLANEOUS No. 64809 of 2022)
For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Pushpa Sinha
(In CRIMINAL MISCELLANEOUS No. 65170 of 2022)
For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Pushpa Sinha
(In CRIMINAL MISCELLANEOUS No. 66948 of 2022)
For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-03-2023 Heard learned counsel for the petitioners,

learned counsel for the informant and learned APP for

the State.

The petitioners have filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 147, 148, 149, 323,

324, 326, 307 and 302 of the Indian Penal Code and

Section 27 of the Arms Act.

As per allegation in the FIR, petitioners along

with other co-accused persons, variously armed, came at

the house of informant and started assaulting the

informant and his family members. Specific allegation



against Kedar Singh (in Cr. Misc. No. 66948 of 2022) is that he fired upon the father of informant, namely, Braj Kishore Singh, which hits in his stomach, due to which he succumbed to fire arm injury and petitioner Chandan Kumar Singh @ Prince Singh ((in Cr. Misc. No. 65170 of 2022) fired upon the uncle of informant due to which he sustained gun shot injuries over his left thigh. Co-accused persons along with Nitesh Singh @ Bhodu (petitioner in Cr. Misc. No. 62040 of 2022) fired upon the informant with their pistol which hits the informant on his right thigh and one bullet cross through his palm of left hand. In the meantime, other co-accused persons including Petitioner Golu Kumar ((in Cr. Misc. No. 64809 of 2022) assaulted with iron rod, farsa and lathi to one Amarjeet Singh, due to which he sustained injuries.

Cr. Misc. No. 62040 of 2022

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has committed no offence in the manner as alleged in the F.I.R. He has



falsely been implicated in the present case. There is land dispute between the parties. There is no specific allegation against the petitioner. The allegation levelled against him is that he along with co-accused Rupesh Singh @ Kalu and Shambhu Singh fired upon the informant and the informant sustained only one gun shot injury, which creates doubt over the prosecution version of the case. Moreover, the petitioner is in judicial custody since 11.06.2022.

Cr. Misc. No. 64809 of 2022

It is submitted by learned counsel for the petitioner that the petitioner is innocent and the has committed no offence. He has falsely been implicated in the present case. There is general and omnibus allegation levelled against the petitioner. The informant has made the entire family of the petitioner as accused and distributed allegation upon them. It is also submitted that petitioner is languishing in judicial custody since 20.08.2022. A statement has been made in para 3 of the petition that



petitioners have no criminal antecedent.

Cr. Misc. No. 65170 of 2022

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has committed no offence. He has falsely been implicated in the present case in the background of land dispute. It is also submitted that petitioners are languishing in judicial custody since 20.08.2022. Both parties are agnates and there is case and counter case between them.

Cr. Misc. No. 66948 of 2022

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has committed no offence. He has falsely been implicated in the present case. It is also submitted that the informant has dragged entire family of the petitioner in the present case. Both parties are agnates and there is admitted land dispute between them. Moreover, petitioner is languishing in judicial custody since 11.06.2022.

It is also submitted by learned Counsel for the



petitioners that similarly situated several co-accused persons have been granted Bail vide order dated 12.10.2022 and 22.02.2023, passed in Cr. Misc. No. 52851 of 2022 and 66447 of 2022 respectively by different co-ordinate Benches of this Court.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail and submitted that three injuries have been sustained by the informant. Injury No. 1 and 2 are simple in nature and caused by sharp cutting weapon and injury No. 3, caused by fire arm, is grievous in nature as opined by the doctor. It is also submitted that there is specific allegation of shot fire against the petitioner (in Cr. Misc. No. 65170 of 2022), namely, Chandan Kumar Singh @ Prince, upon the uncle of informant due to which he sustained gun shot injuries over his left thigh. Doctor has opined the injury caused by fire arm is grievous in nature. So far as Kedar Singh (petitioner in Cr. Misc. No. 66948 of 2022) is



concerned, he fired upon the father of informant, namely, Braj Kishore Singh, which hits in his stomach, due to which he succumbed to fire arm injury.

Considering the nature of allegation, this Court is not inclined to enlarge the petitioner Chandan Singh @ Prince (petitioner in Cr. Misc. No. 65170 of 2022) and Kedar Singh (petitioner in Cr. Misc. No. 66948 of 2022) on bail. Their prayer for bail stands rejected.

However, learned Trial Court is directed to expedite the trial and conclude the same as soon as possible.

So far as, petitioner, namely, Nitesh Singh @ Bhodu (petitioner in Cr. Misc No. 62040 of 2022) and Golu Kumar (petitioner in Cr. Misc. No. 64809 of 2022,) are concerned, considering the facts and circumstances of the case as well as period of their custody, this Court is inclined to enlarge the petitioners on **bail after framing of charge**. The petitioner, namely, Nitesh Singh @ Bhodu (petitioner in Cr. Misc



No. 62040 of 2022) and Golu Kumar (petitioner in Cr. Misc. No. 64809 of 2022,) respectively, are directed to be enlarged on bail after framing of charge in connection with Chapra Muffasil P.S. Case No. 427 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IXth, Saran, Chapra.

(Sunil Kumar Panwar, J)

nirajkrs/-

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