

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65723 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- SHYAMPUR BHATHA District-
Sheohar

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Gautam Singh @ Navratna Singh @ Narottam Kumar S/O Rambabu Singh @
Rambabu Kumar, Resident of Village- Rohua, P.S.- Shyampur Bhataha,
District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

In the present case, the petitioner is apprehending his
arrest in connection with Shyampur Bhataha P.S. Case No. 124
of 2022, registered for the alleged offence under Sections 302,
120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner and other co-
accused persons on two motorcycles opened fire and shot dead
the brother of the informant. The occurrence took place in the
background of land dispute with one Vinay Kumar Singh and it
is alleged that he and other co-accused persons threatened to kill



the informant's brother.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Only allegation against the petitioner that he was on a motorcycle along with co-accused Lalu Singh, but there is no allegation of firing against the petitioner. Specific allegation of firing is against co-accused Nitish Kumar Singh @ Chhotu Singh and Amit Kumar Singh. There is no overt act alleged against this petitioner except naming him to be at the spot and for saying that the story has ended. Learned counsel further submits that the petitioner and other co-accused persons have been named in this case due to rivalry over *Mukhiya* election, as wife of co-accused Nitish Kumar Singh, namely, Ragini Kumari had contested the *Mukhiya* election and wife of the deceased Subodh Kumar Rai won the election. The petitioner is one of the supporters of Ragini Kumari, who was defeated in *Mukhiya* election. The deceased was a dreaded criminal and there were several cases against him and he could have been killed in any other manner and the petitioner has got no role in the alleged occurrence. Learned counsel further submits that a number of co-accused persons, including co-accused Lalu Singh whose case similar to the petitioner, have been granted anticipatory bail



by different Co-ordinate Benches of this Court vide order dated 15.12.2022 passed in Criminal Misc. No. 48169 of 2022, order dated 12.01.2023 passed in Criminal Misc. No. 49700 of 2022, order dated 19.01.2023 passed in Criminal Misc. No. 51453 of 2022, order dated 20.02.2023 passed in Criminal Misc. No. 63320 of 2022 and order dated 20.03.2023 passed in Criminal Misc. No. 67248 of 2022, respectively.

Learned A.P.P. for the State opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

At this stage, learned counsel for the petitioner submits that the petitioner is acquitted in one such case and is on bail in two other cases.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no specific over act has been attributed to the petitioner and there appears possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Sheohar in connection with



Shyampur Bhataha P.S. Case No. 124 of 2022 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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