

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68084 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- BELDOUR District- Khagaria

1. Amal Kishore Singh,
 2. Nawal Kishore Singh,
- Both Sons of Late Babua Singh, R/V- Sakrohar, P.S- Beldaur, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad, Advocate
For the State	:	Mr.Ram Sumiran Rai, APP
For the Informant	:	Mr. Anshul, Advocate
		Mr. Aditya Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the Informant.

In the present case, the petitioners seek bail in connection with Beldaur P.S. Case No.178 of 2021, registered for the alleged offence under Sections 147, 148, 149, 343, 120B, 307, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioners along with other co-accused persons entered into the house of the informant and shot dead the father and the uncle of the informant and also caused firearm injury to another uncle of the informant. The allegation against the petitioners is that they shot at the chest of



Pappu Kumar on the order of co-accused Sita Devi.

The learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between the parties. A *Panchayati* was held and the informant and his father was asked to give possession of the land and for this reason the petitioners have been roped in this case. The deceased and the informant were of criminal nature and for this reason they might be killed by the person inimical to them. The learned counsel further submits that the allegation against the petitioners is that they fired on the chest of Pappu, but no injury report is available on record. Moreover, the allegation against the petitioners is general and omnibus. Though 20 persons are alleged to have fired upon the deceased and the injured, but the post mortem report of the father and uncle of the informant shows only three entry wounds on Dhananjay Singh and two entry wounds on the deceased Vijay Singh. The petitioner no.1 is in custody since 14.08.2021 and the petitioner no.2 is in custody since 25.10.2021. The charge sheet has been submitted in this case. The petitioners are involved in five other cases, i.e., Beldaur P.S. Case No.15 of 1994, Beldaur P.S. Case No. 12 of 1997, Beldaur P.S. Case No.69 of 2019, Beldaur P.S. Case No.86 of 2013, Beldaur P.S.



Case No.122 of 2013.

Learned APP as well as learned counsel for the informant oppose the prayer for bail. However the learned APP concedes that the firearm injuries on the deceased do not match with the number of assailants and shots fired by them and there is no injury report of Pappu Kumar on record who named others apart from the petitioners for being his associates.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact of absence of injury report of Pappu Kumar and further considering the submission of charge sheet and period of custody of the petitioners, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria, in connection with Beldaur P.S. Case No. 178 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

However, before accepting the bail bonds of the petitioners, the learned trial court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners have concealed their criminal antecedents, their bail bonds would not be accepted.

(Arun Kumar Jha, J)

V.K.Pandey/-

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