

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71631 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- ALAMNAGAR District- Madhepura

AMRENDRA KUMAR SINGH @ AMRENDRA SINGH S/o Birendra Singh
R/o Village- Bargaon, P.S.- Alam Nagar Ratwara Outpost, Distt- Madhepura.
Presently residing at Randha Niwas Road, Manorma Niwas, Shivaji Colony,
P.S.- Purnea (Sadar), Distt- Purnea (854301).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73579 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- ALAMNAGAR District- Madhepura

1. CHANDU SAH Son of Sitabi Sah @ Sitavi R/V- Bargaon, Ward no. 9, P.S-
Alamnagar (Ratwara O.p) Dis- Madhepura
2. Md. Suleman @ Suleman Ali Son of Sajjo Ali @ Md. Sajjad R/V- Bargaon,
Muslim Tola, Ward no. 5, P.S- Alamnagar (Ratwara O.P) Dist- madhepura
3. Esrafil Ali @ Isarafil Ali Son of Taslim Ali @ Tasalim Alee R/V- Bargaon,
Muslim Tola, Ward no. 5, P.S- Alamnagar (Ratwara O.P) Dist- madhepura
4. Atabul Ali @ Atabul Alee Son of Taslim Ali @ Tasalim Alee R/V- Bargaon,
Muslim Tola, Ward no. 5, P.S- Alamnagar (Ratwara O.P) Dist- madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71631 of 2022)

For the Petitioner/s : Mr.Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

(In CRIMINAL MISCELLANEOUS No. 73579 of 2022)

For the Petitioner/s : Mr.Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023

Heard learned counsel for the petitioners and the



State.

The petitioners apprehend their arrest in connection with Alamnagar P.S. Case No. 253 of 2021 for the offence registered under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the accused persons including the petitioners herein resorted to indiscriminate firing which led to death of Brij Mohan Kumar and Nathuni Sharma who subsequently died in course of treatment.

Mr. Rajnish Kumar Singh, learned counsel for the petitioners submits that there are two version to the said occurrence. One is Alamnagar P.S. Case No. 253 of 2021 lodged on 12.12.2021, the other is Alamnagar P.S, Case No. 254 of 2021 lodged on 14.12.2021. While in the present case i.e. Alamnagar P.S. Case No. 253 of 2021, allegation is that upon order of Birendra Kumar Singh, all the other accused persons opened fire causing immediate death of Brij Mohan Kumar while another injured persons, Nathuni Sharma died in course of treatment. This FIR is dated 12.12.2021.

However, Alamnagar P.S. Case No. 254 of 2021 dated 13.12.2021 is concerned, it has been lodged by the same Nathuni Sharma who was allegedly described as dead in



12.12.2021. He is the informant and according to him the accused persons after stating that he is the man of Birendra Kumar Singh opened fire causing injuries and further after the statement recorded and the FIR lodged, he died.

From the aforesaid two FIRs, one thing is clear that on the date Alamnagar P.S. Case No. 253 of 2021 was lodged, Nathuni Sharma was alive and not dead

Mr. Rajnish Kumar Singh, learned counsel for the petitioners provided a copy of Cr. Misc. No. 39148 of 2021 relating to similarly placed accused whom this Court had extended the privilege of anticipatory bail on 09.01.2023 in Cr. Misc. No. 39148 of 2022 and its analogous cases.

Let the same be kept on record.

Learned APP for the State opposes the prayer for anticipatory bail.

Taking into account the aforesaid facts that the allegedly dead Nathuni Sharma in the present case lodged another FIR on subsequent date giving different version as also that they do not have criminal antecedent, this Court is inclined to extend the privilege of anticipatory bail.

Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- VIIIth, Madhepura in connection with Alamnagar P.S. Case No. 253 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

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

(ii) 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;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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 their bail bonds;

(v) the petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(vi) the petitioners shall cooperate in the investigation and make himself available to the police as and when required.

Before parting, the Court would like to put on record its word of appreciation for Rajnish Kumar Singh, learned counsel for the petitioners for proper assistance in the matter.

(Rajiv Roy, J)

Jagdish/Neha-

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