

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8311 of 2024

Arising Out of PS. Case No.-252 Year-2018 Thana- WARISLIGANJ District- Nawada

Sumant Singh @ Sumant Kumar Son of Ram Nagina Singh @ Ram Nagina Sharma @ Ram Nandan Singh Permanent Resident of Village-Bakma, P.S.- Bhadaur, Distt.-Patna, Bihar but temporarily residing at Mehrauli, P.S.- Mehrauli, South Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Richa, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Warisliganj P.S. Case No. 252 of 2018, instituted for the offences punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of Arms Act.

3. The prosecution case, in short, is that, on 21.07.2018 the informant's younger brother Vivek Singh @ Vivekanand Kumar and Rajnish Kumar took the cow in the cowshed for taking milk and while they were tying the cow, the accused Karu Singh, Mukesh Singh, Guddu Kumar, Mithilesh Singh, Indradev Singh, Tuntun Singh, Pintu Singh, Mantu



Singh, Kundan Singh, Mohan Singh, Anil Singh, Mithilesh Singh and 4-5 unknown accused persons suddenly surrounded the Sahan Land, most of them were armed with pistol. The accused persons surrounded Vivekanand Kumar and the accused Guddu Kumar, Subodh, Mukesh suddenly caught him and started firing upon him. Vivekanand rushed towards his house and tried to enter into the house but he fell down in the Gali near his door. Then all the accused persons caught him. The accused Guddu, Karu and Mukesh alongwith all the accused persons continuously fired upon Vivekanand Singh. The injured Vivekanand Singh was taken to the hospital where doctor declared him dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence as alleged and he has falsely been implicated in this case. The petitioner was not present at the place of occurrence. The allegation levelled against the petitioner is general and omnibus. The petitioner has no any criminal antecedent as has been stated in paragraph no. 3 of the present bail application. The petitioner is languishing in judicial custody since 13.09.2023. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this



Court vide order dated 20.04.2022 passed in Cr. Misc. No. 59099 of 2021.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Warisliganj P.S. Case No. 252 of 2018.

(Rudra Prakash Mishra, J)

Rajorshi/-

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