

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12164 of 2024

Arising Out of PS. Case No.-62 Year-2021 Thana- JURAWANPUR District- Vaishali

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1. PINKU SINGH @ RAMJAI SINGH S/O- LATE UPENDRA SINGH
RESIDENT OF VILLAGE- JURAWANPUR KARARI, P.S.
JURAWANPUR, DISTRICT-VAISHALI
 2. SANJAY SINGH SON OF LATE SHYAM NANDAN SINGH
RESIDENT OF VILLAGE- JURAWANPUR KARARI, P.S.
JURAWANPUR, DISTRICT-VAISHALI

... .. PETITIONER/S

VERSUS

THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

Appearance :

For the Petitioner/s	:	Mr. Rana Vikram Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 10-09-2024 Heard learned counsel for the petitioners and the

State .

2. This is second anticipatory bail application of these
petitioners. Earlier the bail petition of these petitioners stood
rejected by the Co-ordinate Bench of this Court vide order dated



26.09.2022 in Cr. Misc. No. 66440 of 2021 .

3 . Petitioners apprehend arrest in a case registered for the offence punishable under sections 147, 149, 341 , 323 , 332, 353 , 224 and 504 of the Indian Penal Code and Section 27 of Arms Act.

4. The case of the prosecution, in brief, is that on 07.07.2021, at about 5.30 P .M., informant received information that one Mantu Rai and other villagers filled the soil in the land of Bambahadur Rai for the road, and due to which maarpeet took place between the two sides. Thereafter, informant along with the police force proceeded towards the place of occurrence and again at about 8:30 PM, informant got information that co-accused Mantu Singh and his supporters assaulted Bam Bahadur Rai causing injury to him and during treatment he died in Raghapur Hospital. Thereafter, the family members of Bambahadur Rai demanded the arrest of the accused persons. Accordingly, co-accused, Mantu Singh, was arrested and brought to the police station. The supporters of Mantu Singh, after forming an unlawful assembly and armed with deadly weapons, entered the premises of the police station and committed maarpeet with the informant and other police personnel and got the co-accused Mantu Singh released from



the custody of the police and on protest by the informant, these petitioners along with co-accused persons namely Mantu Singh, Raj Kishore Singh, Shivnath Singh, Satyendra Singh, Mukesh Singh, and Kundan Kumar Singh , Kunal Singh, Mungerilal Singh, and Nitish Mishra assaulted the informant and the police personnel and fled away by making several rounds fire .

5 . Learned counsel for the petitioners submits that this is second anticipatory bail application of these petitioners. Earlier the bail petition of these petitioners stood rejected by the Co-ordinate Bench of this Court vide order dated 26.09.2022 in Cr. Misc. No. 66440 of 2021 . Petitioner has renewed his prayer for anticipatory bail on the ground that due to inadvertence certain facts could not be raised while arguing the earlier bail application filed by the learned counsel for the petitioners. It is further submitted that from bare perusal of the F.I.R., it is apparent that there is no evidence of firing or recovery of empty cartridges from the place of occurrence which itself falsifies the prosecution case . Though there is allegation of causing injury but there is no injury report on the record. The main allegation of assaulting the victim/deceased is against co-accused Mantu Singh and so far as these petitioners are concerned, there is no specific allegation of assault alleged against them. He further



submits that the police has lodged the instant case under the pressure of informant party implicating these petitioners only on account of them being brothers of main accused Mantu Singh and besides this, there is no other material against these petitioners. Rest of the allegations are ornamental in nature . There is no allegation of tampering with the evidence against these petitioners. Petitioners claim clean antecedent.

6. Learned counsel for the State opposes the bail petition of the petitioners.

7. Considering the facts of the case that there is no injury report on record and there is no specific allegation of assault alleged against these petitioners, clean antecedent of these petitioners and other circumstances of the case, in the event of arrest or surrender within eight weeks from today, let these petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III , Vaishali at Hajipur in connection with Jurawanpur Police Station case No. 62 of 2021 , subject to the conditions laid down under section 438(2)



of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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