

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21803 of 2024

Arising Out of PS. Case No.-317 Year-2003 Thana- LAKHISARAI District- Lakhisarai

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Bambam Singh@ Avinash Kumar SON OF LATE ARUN SINGH
RESIDENT OF VILLAGE- OIIPUR, PS- PIPARIA, DISTT- LAKHISARAI,
P/A- MEGHRAI NAGAR, VIDYA PITH, LAKHISARAI, PS-
LAKHISARAI, DIST- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niraj Kumar, Adv.

For the Opposite Party/s : Mr.Shantanu Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 302, 201 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, all the accused persons including the petitioner are said to have opened fire from their rifles with an intention to kill the informant's side when they were going out of village for taking goods. To save their lives, the informant and others hid themselves in the orchard of one Mahesh Kumar, but unfortunately, one Ramjivan Singh @ Dhopal Singh got injured and fell down. Thereafter, some of the accused persons



came to injured Ramjivan Singh and started firing indiscriminately, as a result, the injured was killed and his dead body has also been concealed.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He is not named in the FIR. He has been made accused in the present case in course of trial by some of the witnesses due to previous land dispute and dirty village politics. It is further submitted that after examination of all the prosecution witnesses in the present case, erroneously, the petitioner and others have been summoned u/s 319 Cr.P.C. The other similarly situated co-accused persons against whom summon was issued for facing the trial under Section 319 Cr.P.C. in S.T. 509 of 2011 have been granted anticipatory bail by this Court vide order dated 09.02.2024 in Cr. Misc. No. 2948 of 2024. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

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

6. Having regard to the facts and circumstances of the



case, as the summon has already been issued under Section 319 of Cr.P.C. against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Lakhisarai P.S. Case No. 317 of 2003, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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