

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51367 of 2024

Arising Out of PS. Case No.-332 Year-2021 Thana- DARAUNDA District- Siwan

1. Harendra Singh Son of Late Raghunath Singh R/O Vill.- Kangali Chhapra, P.S.- Daraunda, Dist.- Siwan
2. Shambhu Kumar Son of Late Raghunath Singh R/O Vill.- Kangali Chhapra, P.S.- Daraunda, Dist.- Siwan
3. Avinash Kumar @ Awadhesh Kumar Son of Late Raghunath Singh R/O Vill.- Kangali Chhapra, P.S.- Daraunda, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Rajendra Nath Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 13-12-2024 Heard the parties.

2.The accused/petitioner are named in the F.I.R.

and apprehending their arrest in connection with

Daraunda P.S. Case No. 332 of 2021 registered for the

offences punishable under Sections 302, 120(B)/34 of

the Indian Penal Code and Section 27 of the Arms Act.

3. As per FIR, the father of informant was

murdered by named co-accused Vickckey Kumar by

causing firm arms injuries where prior to this occurrence

petitioner along with other co-accused persons/ family



members threatened deceased to face dire consequences.

4. It is submitted by learned counsel appearing on behalf of the petitioners that the thrust of allegation is available against co-accused Vickkey Kumar. It is submitted that even as per face of FIR these petitioners were not made any overt act during the course of occurrence and as they appears to be related with named co-accused being uncles, were implicated with present case. It is submitted that on the date of occurrence petitioner no. 1 was in Delhi being an employee of Income Tax Department. It is submitted that by considering the said aspect also police submitted final form against petitioner no. 1 but taking a different view learned trial court took cognizance without assigning any reasons. It is submitted that allegation of prior threat added only to implicate entire family members as it is apparent from the face of FIR itself.

5. Learned APP, while opposing the prayer of bail could not disputed the fact as stated above.



6. Considering the aforesaid fact as save and except suspicion arising out of advanced threat nothing incriminating appears against petitioners, where thrust of allegation is available against co-accused Vickckey Kumar, accordingly, all above named three petitioners in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Siwan/concerned Court, where the case is pending in connection with Daraunda P.S. Case No. 332 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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