

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53545 of 2024

Arising Out of PS. Case No.-157 Year-2017 Thana- TARAIIYA District- Saran

1. Sama Singh @ Shyama Singh S/o Jaglal Singh R/o vill - Taraiya, P.O. - Taraiya, P.S. - Taraiya, Distt. - Saran at Chapra
2. Ramji Singh S/o Jaglal Singh R/o vill - Taraiya, P.O. - Taraiya, P.S. - Taraiya, Distt. - Saran at Chapra
3. Kalyan Kumar @ Kalyan Singh S/o Sama Singh @ Shyama Singh R/o vill - Taraiya, P.O. - Taraiya, P.S. - Taraiya, Distt. - Saran at Chapra
4. Ajeet Kumar S/o Sama Singh @ Shyama Singh R/o vill - Taraiya, P.O. - Taraiya, P.S. - Taraiya, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raushan Raj
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 26-10-2024 **1.** Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307 and 34 of the Indian Penal Code and Section 27 of Arms Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that 31-5-2017, while he was going to attend a marriage and when he reached Taraiya market, he got stuck in a jam and thereafter an altercation took place with a person sitting on a motorcycle, thereafter it is alleged that he heard sound of firing and got shot in his



thigh from behind.

4. Learned counsel for the petitioners submits that from perusal of allegation as alleged in the FIR, it would manifest that the FIR was against unknown. It is next submitted that during the course of investigation, the name of the petitioners transpired but then petitioners were not aware that they have been implicated in the instant case. It is next submitted that neither the police made any endeavours to arrest nor sought non-bailable warrant of arrest or process under Section 82 Cr.P.C. It is next submitted that one co-accused Anil Kumar got arrested in the year 2024 and thereafter the petitioners came to know about their implication in the instant case.

5. Learned A.P.P. for the State, Shri. Chandra Bhushan Prasad, opposes the prayer for anticipatory bail of the petitioners and submits that name of the petitioners transpired in the case during the course of investigation and the case is of the year 2017 and if privilege of anticipatory bail be granted to the petitioners, the petitioners may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence that they were not involved in the occurrence. It is submitted at the cost of repetition that petitioners were completely unaware of their involvement in the instant case.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event



of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Taraiya P.S. Case No. 157 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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