

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59983 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- SONEPUR District- Saran

1. Trilokinath Singh @ Triloki Singh Son of Late Shiv Pujan Singh Resident of Village- Shahpur, P.S.- Sonpur, District- Saran
2. Sudama Singh @ Sudama Kumar Singh Son of Late Shiv Pujan Singh Resident of Village- Shahpur, P.S.- Sonpur, District- Saran
3. Ashwini Kumar Singh @ Ashwani Singh Son of Late Shiv Pujan Singh Resident of Village- Shahpur, P.S.- Sonpur, District- Saran
4. Aman Kumar Singh @ Aman Kumar Son of Triveni Singh Resident of Village- Shahpur, P.S.- Sonpur, District- Saran
5. Atul Singh Son of Ashwini Kumar Singh @ Ashwani Singh Resident of Village- Shahpur, P.S.- Sonpur, District- Saran
6. Kunal Kumar Singh @ Kunal Singh Son of Ashwini Kumar Singh @ Ashwani Singh Resident of Village- Shahpur, P.S.- Sonpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harish Kumar
For the Opposite Party/s	:	Mr. Jagdhar Prasad
For the Informant	:	Mr. Kamlesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-09-2024

1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 452, 436, 34, 120B of the Indian Penal Code.

3. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been



falsely implicated in the present case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant knows the family of Akshay very well, as such, Akshay along with his entire family members have been implicated, but then it is submitted that the reason for implicating Akshay is that Akshay is a government school teacher, he was appointed as a teacher in the year 2007 at Government Girls Middle School, Shahpur. It is submitted that since Akshay is a government school teacher, as such, the brother of the informant namely, Ranjit Singh, who was the ex-Secretary of the School intended to purchase some land of Akshay which was adjacent to the property of the informant but since Akshay was not willing to sell the land, as such, dispute had arisen between the parties. It is next submitted that it absolutely does not stand to reasons that why a government school teacher would put his government job on stake and commit such an occurrence as it has been alleged by the informant that he had gone to attend a marriage on the date of occurrence and when he came back at 11:45 pm in the light of street bulb, he identified all the accused persons including Akshay and saw Akshay carrying a petrol gallon and also heard his brother Vijay crying and shouting that the accused persons



have put the house, car and the motorcycle on fire. Further while fleeing, Aman threatened the informant of not disclosing the occurrence to anyone or else he will face dire consequences, it is next alleged that when the informant reached near his house, he saw that his brother was crying and telling that the accused persons have put the house, car and the motorcycle on fire, and Aman even threatened him.

4. The learned counsel for the petitioners submits that no doubt during the course of investigation, it has come that car and the motorcycle of the informant caught fire but then with regard to setting the house on fire is a disputed allegation. The learned counsel for the petitioners at the cost of repetition submits that no prudent person who is holding a chair in the instant case would risk his job and commit such an occurrence. It is also submitted that from perusal of the allegations as alleged in the FIR, it would manifest that neither informant nor his brother saw any of the accused putting the car and the motorcycle on fire but then in order to implicate alleges that Akshay was seen fleeing from the place of occurrence carrying a petrol bottle, which cast an aspersion on the case of the prosecution.

5. It is also submitted that the allegation appears to be



dichotmic even for the reason that in the earlier part of the FIR, it is alleged that the informant identified so many accused persons with the help of street light but in the later part of the FIR, it is alleged that the bulb was not working. It is thus submitted that once who speak the truth, does not have to remember what he said. It is also submitted that petitioners would not abscond rather will cooperate in the investigation to prove their innocence.

6. The learned APP for the State and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that neither informant nor his brother are an eye-witness to the occurrence of putting the house, car and motorcycle on fire nor the learned counsel appearing on behalf of the informant is able to rebut the submission of the learned counsel appearing on behalf of the petitioners that a person who is a government school teacher why the said fact was not disclosed in the FIR and an attempt was made to give an impression that criminals had entered the house and thereafter, committed the occurrence nor the learned counsel appearing on behalf of O.P. No. 2 is able to rebut the submission of the



learned counsel appearing on behalf of the petitioners that the informant and the family of the petitioners were known to each other from before. The learned counsel appearing on behalf of the informant also is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that in the earlier part of the FIR, it is alleged that the informant from a distance identified so many accused persons under light of street bulb but in the later part of the FIR, it is being alleged that the bulb was not working.

7. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. at Chapra, Saran in connection with Sonpur P.S. Case No. 158 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However it is made clear that in the event if the investigating officer of the case files an application before the learned trial court brining to its notice that petitioners despite giving assurance to this Court are not cooperating in the



investigation or are not presenting himself as and when required the learned trial court shall be at liberty to cancel the bail bonds of the petitioners forthwith after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial court.

10. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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