

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68628 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- SONEPUR District- Saran

SUBHAM KUMAR SINGH @ DIVYANSHU SINGH Son of Jitendra Kumar Singh @ Jittu Singh Resident of Village-Kharika, P.S.-Sonepur, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68814 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- SONEPUR District- Saran

BIBHAY KUMAR @ VIBHAY KUMAR @ VIBHAV KUMAR Son of Bharat Saw R/o vill - Kharika, P.S. - Sonepur, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68628 of 2023)

For the Petitioner/s : Dr. Jitendra Kumar Singh, Advocate.

For the State : Mr. Upendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 68814 of 2023)

For the Petitioner/s : Dr. Jitendra Kumar Singh, Advocate.

For the State : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-02-2024 Heard Dr. Jitendra Kumar Singh, Ld. counsel for the petitioners and Mr. Upendra Kumar and Mr. Gauri Shankar Gupta, Ld. APP for the State.

2. The petitioners apprehend their arrest in connection with Sonepur P.S. Case No. 94 of 2023 dated 9.2.2023 registered for the offence punishable under Sections 341, 326,



307, 120-B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case as emerges from the FIR is that the co-accused Bharat Saw, Arvind Singh and Kamlesh Singh fired upon the informant's brother due to which he sustained fire arm injury. It is further alleged that prior to the alleged incident, the accused persons have threatened the victim to kill him.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There are three injuries on vital part of the body of the victim out of which one is of grievous nature, but it is not attributed to the petitioners. Petitioner No. 1 Shubham Kumar Singh @ Divyanshu Singh has got no criminal antecedent whereas petitioner No. 2, Bibhay Kumar @ Vibhay Kumar @ Vibhav Kumar have got two criminal antecedents as mentioned in para-3 of the applications. Ld. counsel further submits that similarly situated co-accused Jitendra Singh @ Jitendra Kumar Singh @ Jittu Singh has been



granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.10.2023 passed in Cr. Misc. 62833 of 2023.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. On the other hand, Ld. APP for the State opposes the prayer of the petitioner for anticipatory bail of the petitioners.

8. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, this application is allowed, directing the petitioner, above-named, to be enlarged on anticipatory bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Saran at Chapra, in connection with Sonapur P.S. Case No. 94 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioners have given wrong statement regarding their criminal antecedents, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

(Jitendra Kumar, J)

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