

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76232 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- PARBATTa District- Khagaria

1. Shailendra Kumar Singh, S/O Sharda Prasad Singh R/O Village- Agwani, P.S -Parbatta District - Khagaria.
2. Vikash Kumar Singh S/O Sharda Prasad Singh R/O Village- Agwani, P.S -Parbatta District - Khagaria.
3. Mukesh Kumar Singh S/O Sharda Prasad Singh R/O Village- Agwani, P.S -Parbatta District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Parbatta P.S. Case No. 49 of 2024 registered for the alleged offences under Sections 341, 323, 504, 506 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and other co-accused persons came to the house of the informant and started abusing the informant and his family members. Thereafter, they started throwing stones. Co-accused persons were armed with pistol and the petitioner were armed with country made *katta*. Co-accused Pushpendra Singh fired upon the informant who received a firearm injury on the right side of his chest. The informant



further received two firearm injuries in his right arm in the firing made by other co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Father of the petitioners and grandfather of the informant were brothers. From the FIR, it is clear that there is no specific allegation against the petitioners whereas specific allegation is against co-accused Pushpendra Singh that he opened fire on the informant. In fact, for the occurrence of same date, Pushpendra Singh has lodged Parbatta P.S. Case No. 51 of 2024 under Section 307 and other incidental sections of IPC and Section 27 of the Arms Act. The present case is counter blast. Learned counsel further submits that the injuries on the petitioners side are unexplained. This shows both the parties sustained injuries and the injuries received by co-accused Pushpendra Singh and Abhishek Singh have not been explained. The petitioners are in custody since 12.08.2024. Petitioners were made accused in Parbatta P.S. Case No. 18 of 2024 but after investigation police submitted final form finding the case not true against the petitioners.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the case and counter case between the parties and also considering period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-1, Khagaria/concerned court in connection with Parbatta P.S. Case No. 49 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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