

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81818 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- SIKARHATTA District- Bhojpur

Bablu Singh @ Avinash Kumar, Son Of Rakesh Singh @ Babuajee, R/O
Village- Sikarhata, P.S.- Sikrahata, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 729 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- SIKARHATTA District- Bhojpur

Munna Singh, Son of Raju Singh, R/O Village- Sikarhatta, P.S.- Sikarhatta In
The District Of Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1591 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- SIKARHATTA District- Bhojpur

Sonu Rai @ Sonu Kumar S/O Dhananjay Rai @ Dhananjay Mauar R/O
Village- Barki Kharaw, P.S- Sahar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81818 of 2023)

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

(In CRIMINAL MISCELLANEOUS No. 729 of 2024)

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 1591 of 2024)

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN



ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners who have been languishing in custody since 13.07.2023 seek regular bail in connection with Sikrahata P.S. Case No. 61/2023 lodged on 04.05.2023 under Sections 302/120B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against the petitioners alleging therein that the son of the informant was called by one of the accused, namely, Munna Singh, and thereafter, the son of the informant along with his cousin (brother) went to the house of Munna Singh. Subsequently, the informant came to know that all the accused persons in connivance with each other had killed his son due to their rivalry.

4. Learned counsel for the petitioner Bablu Singh @ Avinash Kumar (in Criminal Miscellaneous No. 81818/2023) submits that the petitioners are innocent and have committed no offence. The antecedent of the petitioner is clean. He further submits that in fact, the said occurrence took place due to an accident in which the deceased had received a gunshot injury



and subsequently due to bleeding died.

5. Learned counsel for the petitioner Munna Singh (in Criminal Miscellaneous No. 729/2024) submits that there is one criminal antecedent of the petitioner, in which he is on bail. He further submits that it is true that the case has been lodged under Section 302/120B of the Indian Penal Code, but subsequently, the police have filed the chargesheet under Section 304/34 of the Indian Penal Code.

6. Learned counsel for the petitioner Sonu Rai @ Sonu Kumar (in Criminal Miscellaneous No. 1591 of 2024) submits that the petitioner is innocent and he has falsely been implicated in this case. The antecedent of the petitioner is clean.

7. It is jointly submitted by learned counsel for the petitioners in all the cases that the police found no offence under Section 302/120B of the Indian Penal Code and filed the chargesheet under Section 304/34 of the Indian Penal Code.

8. Learned counsel for the informant on the other hand submits that the petitioner (Bablu Singh @ Avinash Kumar (in Criminal Miscellaneous No. 81818/2023)) has suppressed the fact about his criminal antecedent by mentioning in paragraph 3 of the petitioner that the petitioner has no criminal antecedent whereas paragraph 129 of the case diary, it has been



mentioned that the petitioner Bablu Singh is accused in one more case. Learned counsel for the informant further submits that it is true that the informant is not an eye witness to the occurrence but it is also true that the dead body of the son of the informant was present on the outer side of the hospital and none of the accused persons were present there.

9. Learned counsel for the State opposes the prayer for bail.

10. Upon specific query from the learned counsel for the petitioners that the charge has been framed or not, the learned counsel for the petitioners submits that as per their knowledge, the charge has not been framed.

11. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named be released on bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Bhojpur, Ara, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

12. If it has been found that there is no criminal case against petitioner Bablu Singh (in Criminal Miscellaneous No.



81818 of 2023) and Sonu Rai @ Sonu Kumar (in Criminal Miscellaneous No. 1591 of 2024) they shall be released on bail, but if it has been found that there is a criminal case pending against them, their bail application shall be treated to be rejected. If the case has been found disposed of in that case, it shall not be treated as an antecedent.

(Dr. Anshuman, J)

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