

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 84258 of 2023**

Arising Out of PS. Case No.-115 Year-2020 Thana- BASANTPUR District- Siwan

Sunny Kumar @ Sunny Singh Son of Late Ishwar Chandra Singh @ Nanhe Singh Resident of Village Bangra, Police Station- Maharajganj, District- Siwan, Pin Code- 841238

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      16-04-2024                      Heard   Mr.   Ravindra   Kumar,   learned   counsel  
  
                                                                                 appearing on behalf of the petitioner and Mr. Ajit Kumar,  
  
                                                                                 learned APP for the State.

2.    Petitioner seeks pre-arrest bail in connection with  
  
Basantpur P.S.Case No.115 of 2020 registered for the offences  
  
punishable under Sections    147, 148, 149, 341, 323, 307, 427,  
  
385, 504 and 506 of the Indian Penal Code and Section 27 of the  
  
Arms Act.

3.    As per the allegation made in the FIR, the accused  
  
persons including the petitioner demanded ‘toddy’ from the  
  
informant and on denial, they assaulted by means of fists and  
  
slaps and again after five days,15-16 persons came at the door  
  
of the informant and started firing, out of them two persons



namely, Sumit Kumar Singh and Manmohan Singh and a motorcycle bearing reg. No.BR29AD 7659 were nabbed by the villagers and the co-accused disclosed the name of the petitioner.

4. Mr. Ravindra Kumar, learned counsel informs that the Advocates-on-Record Mr. Rajesh Roy and Mr. Shrinath Manjhi have engaged him to argue the present case. He submitted that as per the allegation made in the FIR, no injury has been caused to the informant, however, a seizure list was prepared, which forms part of the FIR. A motorcycle belonging to the petitioner bearing Registration No.BR29AD 7659 was seized along with SIM No.6299248188 of one co-accused Suit Singh and SIM No.7545997022 of co-accused Manmohan Singh and similarly other mobile phones belonging to different co-accused persons were also seized along with the said motorcycle.

5. Mr. Ravindra Kumar, learned counsel has denied that the motorcycle bearing Reg.No.BR29AD7659 is registered in the name of the petitioner. He further submitted that the question of the petitioner being involved in the crime and his motorcycle bearing Reg.No.BR29AD7659 being recovered from the place of occurrence does not arise, as at the relevant



point of time, the petitioner was living at Delhi where he was pursuing his study. On these grounds, the learned counsel submitted that the petitioner be released on bail even taking into consideration that the co-accused, namely, Rajit Kumar Baitha @ Ranjit Rajak has been released on bail by a co-ordinate Bench of this Court, vide order dated 17.05.2022 passed in Cr. Misc. No.57685 of 2021.

6. Mr. Ajit Kumar, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and he informs that from perusal of the cause title of the bail application, it appears that the petitioner has admitted that he is Sunny Kumar @ Sunny Singh and his father's name is Late Ishwar Chandra Singh @ Nanhe Singh and he is resident of village Bangra, P.S. Maharajganj, District Siwan whereas Sunny Kumar son of Ishwar Dayal Singh is resident of village Swan Bigrah, P.S. Darounda, Dispirit Siwan, which is to be verified as to whether Sunny Kumar Singh and the petitioner, namely, Sunny Kumar @ Sunny Singh whose father's name is Late Ishwar Chandra Singh @ Nanhe Singh are the same person.

7. Having considered the rival submissions made on behalf of the parties, I am of the opinion that the petitioner has been made accused in the present case on the basis of the



motorcycle bearing Reg.No.BR29AD7659, which has been alleged to be registered in the name of the petitioner.

8. Considering the fact that the name of the father of the petitioner is late Ishwar Chandar Singh @ Nanhe Singh and the petitioner has given his address as Village Bangra, P.S.Maharajganj, District Siwan. It has also been informed by Mr. Ravindra Kumar, learned counsel that the petitioner had no concern with the alleged offence and without verifying from the record with respect to the seized motorcycle bearing registration no. BR29AD 7659 on the basis of its chesis number and engine number from the office of the District Transport Officer, Siwan, it would be premature to hold the petitioner guilty of having committed offence as alleged in the FIR.

9. The learned district court is directed to call for the report from the District Transport Officer with respect to the motorcycle seized. The Investigating Officer must co-operate to the District Transport Officer by providing him all facility in obtaining engine number and the chessis number of the motorcycle bearing registration no.BR29AD 7659. The District Transport Officer must furnish his report to the learned district court well within a period of two weeks from the date of communication of this order without fail.



10. Till such period, the report is submitted by the District Transport Officer, no coercive steps shall be taken against the petitioner in connection with Basantpur P.S.Case No.115 of 2020 pending before the court of Additional Chief Judicial Magistrate-X, Siwan.

11. The learned district court must ensure to obtain report within two weeks and proceed to pass order on the basis of material gathered in course of the investigation as well as upon verifying address of the petitioner as mentioned in the report so submitted by the District Transport Officer, if he finds that the petitioner is some other person and the motorcycle is not registered in his name, the petitioner is directed to be released on pre-arrest bail in connection with Basantpur P.S.Case No.115 of 2020, subject to conditions as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.

12. With the above observation/direction, the present bail application stands disposed of.

**(Purnendu Singh, J)**

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