

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79374 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- FESHAR District- Aurangabad

1. Alakhdeo Singh, aged about 78 years, Gender-Male, Son of Late Deo Charan Singh.
2. Bipin Kumar Singh, aged about 20 years, Gender-Male, Son of Vinod Singh @ Vinod Kumar Singh.

Both are resident of Village- Fateha, P.S.- Fesar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80414 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- FESHAR District- Aurangabad

Vikash Kumar Singh, aged about 26 years, Gender-Male, Son of Ramjanam Singh, Resident of Village- Fateha, P.S.- Fesar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79374 of 2024)

For the Petitioner/s : Mr. Krishan Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
Mr. Rahul Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 80414 of 2024)

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.



2. The petitioners apprehend their arrest in connection with Fesar P.S. Case No. 88 of 2024 instituted for the offences punishable under Sections 126(2), 115(2), 352, 118(2), 119(2), 3(5) of the Bhartiya Nyaya Sanhita and Section 25(1-b)a, 26 and 27 of the Arms Act.

3. As per the prosecution case, one country made pistol and one live cartridge have been recovered from the possession of accused persons.

4. Learned counsel for the petitioners submits that petitioners are innocent have committed no offence and have falsely been implicated in this case. He further submits that there is no any specific allegation of any overt act against petitioner no. 2, and he is alleged to be only member of unlawful assembly. He next submits that petitioner no. 1 namely Alakhdeo Singh is a licence holder of PDS dealer, whereas father of injured Manish Kumar namely Vijay Singh is also a PDS dealer and only due to dispute in dealership area between both parties, they entered into free fight. He lastly submit that petitioner no. 1 is grandfather of petitioner no. 2 and the entire family has been roped in this case only due to dispute attributed between both the parties. Petitioner no. 2 has no criminal history while petitioner no. 1 is accused in one case as stated in para 3



of the petition as well as Vikash Kumar Singh, petitioner (in Cr. Misc. No. 80414) has got no criminal antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and the impugned order of the learned Principal District and Sessions Judge, Aurangabad dated 04.10.2024, it appears that on the basis of written report of the informant Prakash Kumar Singh, FIR has been registered under Sections 126(2), 115(2), 352, 118(2), 119(2), 3(5) of the Bhartiya Nyaya Sanhita and Sections 25(1-b)a, 26 and 27 of the Arms Act against six accused persons including the present petitioners. It also appears that the allegation against the petitioner no. 1, namely Alakhdeo Singh is the order giver at the time and place of occurrence. In the meantime, Binod Singh and Gappu @ Prakash Solanki open fired on Manish Kumar with an intention to kill him. The bullet fired by the co-accused Binod Singh hit the abdomen of Manish Kumar, as a result of which he became unconscious and fell down on the ground. The allegation against petitioner no. 2, Bipin Kumar Singh is only that he is the member of the mob and there is no any specific allegation against Bipin Kumar Singh. The allegation against one co-accused Vikash Kumar



Singh (in Cr. Misc. No. 80414 of 2024) is of firing by means of arms. Two country made pistol, one live cartridges and one empty cartridges have been recovered from the place of occurrence, as stated in the impugned order. It also appears that petitioner no. 1, Alakhdeo Singh has one criminal antecedent, so considering all aspects of the case, I am not inclined to grant bail to petitioner no. 1 namely Alakhdeo Singh (in Cr. Misc. No.79374 of 2024) and Vikash Kumar Singh (in Cr. Misc. No. 80414 of 2024).

7. Accordingly the anticipatory bail application of petitioner no. 1, namely Alakhdeo Singh (in Cr. Misc. No. 79374 of 2024) and Vikash Kumar Singh (in Cr. Misc. No. 80414 of 2024) is hereby rejected.

8. However, if the petitioner no. 1, namely, Alakhdeo Singh (in Cr. Misc. No. 79374 of 2024) and Vikash Kumar Singh (in Cr. Misc. No. 80414 of 2024) surrender before the trial Court within thirty days from the date of this order and prays for regular bail, the trial Court may consider their prayer for bail and pass appropriate order on the same day, without being prejudiced by this order, in accordance with law.

9. The allegation against petitioner no. 2, namely Bipin Kumar Singh is concerned, he is the member of the mob



and there is no overt act against him, so anticipatory bail of petitioner no. 2, namely Bipin Kumar Singh (in Cr. Misc. No. 79374 of 2024) stands allowed.

10. Considering the aforesaid facts and circumstances, let the petitioner no. 2, namely Bipin Kumar Singh (in Cr. Misc. No. 79374 of 2024) in the event of his arrest or surrender before the Court below within six weeks from today, be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Aurangabad in connection with Fesar P.S. Case No. 88 of 2024, subject to the conditions laid down in Section 482(2) of the BNSS.

(Ramesh Chand Malviya, J)

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