

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82756 of 2024

Arising Out of PS. Case No.-315 Year-2024 Thana- DARAUNDA District- Siwan

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1. Dheeraj Kumar Singh S/o Manoj Kumar Singh Resident of village - Sherpur, P.S.- Dharaudha, District- Siwan
 2. Ankit Kuar Singh S/o Govid Singh @ Yogendra Singh R/o vill - Sawan Bigras, P.S. - Daraunda, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-01-2025 Heard learned counsel the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Daraunda P.S. Case No. 315 of 2024, registered for the offences punishable under Sections 109, 3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. Allegedly, on the fateful day, at about 4 pm, the informant received an information that six criminal riding on two motorcycles came to his house and made indiscriminate firing on his door. On the aforesaid information, when the informant reached at his house, found bullet marks over his door. Suspicion has been raised that earlier the accused persons along with others have also attacked on the informant and this



occurrence has also been done by them.

4. Learned counsel for the petitioners drawing the attention of this Court to the FIR contended that the entire case is based on suspicion, only on the premise that earlier the informant was attacked by the accused persons, therefore, this occurrence might have also been done by the petitioners and other co-accused persons. Save and except suspicion, there is no material suggesting the complicity of the petitioners in the crime. Drawing the attention of paragraph-3 of the bail application, it is also contended that, in fact, on political rivalry, altogether five cases back to back have been instituted against both the petitioners, who are cousin and the petitioner no.2 is sports person and has also participated up to national team in Kabaddi. The career of the young persons are at threat because of the false implication by the informant. The petitioners undertake that they will fully co-operate in the investigation and the proceedings of the Court. One of the co-accused persons having identical allegation has been allowed the privilege of anticipatory bail in Cr. Misc. No. 81228 of 2024 vide order dated 04.12.2024.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that both the petitioners bear five criminal antecedents and, as such, complicity of the petitioners in such kind of crime cannot be denied.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that save and except suspicion, there is no material; neither there is any eyewitness nor other cogent material collected during the course of investigation, coupled with the fact that one of the co-accused persons having identical allegation has been allowed the privilege of anticipatory bail, moreover, mere criminal antecedent of the petitioners cannot be the sole ground to deny the anticipatory bail unless there is material(s) suggesting the complicity, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Daraunda P.S. Case No. 315 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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