

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30659 of 2015

Arising Out of PS.Case No. -66 Year- 2014 Thana -BRAHMPUR District- BUXAR

Manoj Kumar Singh @ Manoj Singh,, son of Shambhu Nath Singh, resident
of village-Kant, P.S.-Brahmpur, Dist.-Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-07-2015

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks bail in connection with Sessions
Trial No. 304 of 2014 arising out of Brahmpur P.S. Case No. 66
of 2014 in which charges have been framed under Sections
302/149, 307/149 of the Indian Penal Code and Section 27 of the
Arms Act.

The prayer for bail of the petitioner was earlier
rejected by this Court vide order dated 10.12.2014 passed in Cr.
Misc. No. 43907 of 2014 with liberty to the petitioner to renew
his prayer for bail after framing of charges.



It has been contended that there is no allegation against the petitioner that he made any overt-act upon the deceased. The only allegation against him is that he fired shot as a result of which the informant of the case sustained simple injury. It has been contended that there is an ongoing land dispute between the parties and in Title Suit No. 25 of 1994 judgment and decree has been passed in favour of the petitioner against the informant. The specific allegation of firing upon the deceased is against one Sonu Singh and taking advantage of the situation, the petitioner has been falsely implicated in the case.

On the other hand, learned counsel for the informant has vehemently opposed the prayer for bail. He has submitted that the offence is grievous in nature. The co-accused Sonu Singh is a dreaded criminal and is wanted in many cases of serious nature. The petitioner was an active participant in the occurrence.

Regard being had to the facts and circumstances of the case as well as the observation made in the aforesaid order dated 10.12.2014, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I, Buxar in S.T. No. 304 of 2014 arising out of Brahmpur

P.S. Case No. 66 of 2014 subject to the following conditions that:-

- (a) The petitioner shall not influence the witnesses or tamper with any document;
- (b) At the time of furnishing the sureties, the petitioner shall furnish his address to the Court and shall not change his address till the final disposal of the case or till further orders in that regard;
- (c) The petitioner shall not leave the limits of India without prior permission of the trial Court;
- (d) The petitioner shall not do any act prejudicial to the interest of the prosecution;
- (e) The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this Court for cancellation of bail; and
- (f) One of the sureties must be a Government servant/elected people's representative of Panchayat/ Municipality; and the other one shall be a close relative.

Sanjeet/-

(Ashwani Kumar Singh, J.)

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