

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1415 of 2015

Arising Out of PS.Case No. -121 Year- 2011 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Manoj Singh @ Manoj @ Manoj Kumar Singh S/o Shivmuni Singh
2. Jagdish Rai S/o Late Ganga Sagar Rai
Both are resident of Village - Bharkhar, P.S. - Mohania, District - Kaimur.
.... Petitioners

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-03-2015 Heard learned counsels for the petitioners and the

State.

Both the petitioners have renewed his prayer for anticipatory bail in a case registered for the offences punishable under Sections 302, 307, 379, 323, 341, 147, 148, 149 of the Indian Penal Code and section 27 of the Arms Act.

It is alleged that during election, eleven persons rounded the informant and others when Sanjay Singh made assault to the informant Ram Awadh Yadav and Bindu Singh, subsequenlty, Bindu Singh succumbed to the injuries.

Earlier, the application for anticipatory bail, preferred by three petitioners, namely, Jagdish Rai, Manoj Singh @ Manoj Kumar Singh and Balli Ram Rai @ Balli Rai @ Balli Ram whereas the present application has been preferred by



only two petitioners namely, Manoj Singh @ Manoj @ Manoj Kumar Singh and Jagdish Rai, was disposed of vide order dated 21.06.2012 passed in Criminal Miscellaneous No. 19651 of 2012 with a liberty to the learned Court below to consider the prayer for regular bail of the petitioners since the co-accused Saroj Kumar was granted regular bail vide order dated 15.7.19 of 2012. The final form was submitted on 31.10.2012 and the petitioners were not sent up for trial. Subsequently, the prosecution filed an application under Section 319 of the Code of Criminal Procedure for summoning the petitioners, which was rejected by the learned Court below on 30.04.2014. The said order was challenged, by filing Criminal Miscellaneous No.24335 of 2014 and in pursuance to the order passed in the said application, the petitioners were summoned, hence, they have fresh apprehension of being arrested.

Considering the fact that accusation of firing is not alleged against these petitioners, the petitioners were not sent up for trial, the final form was accepted and now they are summoned by exercising jurisdiction under Section 319 of the Code of Criminal Procedure when a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released

on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-II, Kaimur at Bhabua in connection with Sessions Trial No.351/61 of 2011/2013 arising out of Mohania P.S. Case No.121 of 2011, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned Court below will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions or get involved in some serious nature of offence.

Ashwini/-

(Dinesh Kumar Singh, J)

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