

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36439 of 2017**

Arising Out of PS. Case No.-11 Year-2017 Thana- MAHUA District- Vaishali

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Baidnath Singh Son of Manki Singh, R/o Village- Chakkajiniyam, P.O.+P.S.-  
Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                   |
|----------------------------|---|-----------------------------------|
| For the Petitioner/s       | : | Mr. S.N.P. Sinha, Sr. Advocate    |
|                            |   | Mrs. Rina Sinha, Advocate         |
| For the Opposite Party/s : |   | Mr. Khurshid Anwar, APP           |
| For the Informant          | : | Mrs. Anita Kumari Singh, Advocate |

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      15-09-2017              Heard learned counsel for the petitioner, learned counsel  
for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
13.01.2017 in connection with Mahua P.S. Case No. 11 of 2017  
registered for the offence punishable under Section 302 and  
other allied sections of the Indian Penal Code and Section 27 of  
the Arms Act.

The prosecution case, as lodged by the informant, is  
that while his son, Amit Kumar (deceased) was going home and  
reached near the house of Manki Singh, the said co-accused  
Manki Singh informed about his arrival on which all the  
accused persons, 10 in number, came and started assaulting his  
son. Specific allegation upon co-accused Vinod Singh is that he



opened fire which hit the temporal region of Amit Kumar and the petitioner thereafter resorted to indiscriminate firing on the body of the deceased.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, rather, the deceased was a veteran criminal and as many as nine cases were pending against him, as is evident from paragraph 30 of the case diary. He submits that the present case is a counter blast to the earlier case lodged by the petitioner's side, bearing Mahua P.S. Case No. 10 of 2017 in which petitioner's side received grievous injuries. He submits that the informant's side took the law on their own hand and on the same day of occurrence on 12.01.2017 in the afternoon informant's side started ransacking for which police personnel have named 60 persons, including some persons of the informant's side and lodged Mahua P.S. Case No. 12 of 2017. He submits that the inquest report bears only one injury on the parietal region, which is alleged to have been caused by co-accused, Vinod Singh and the postmortem report also specifies one injury of entry and one of exit, hence, allegation of indiscriminate firing by the petitioner on the deceased creates doubt. He submits that charge-sheet has already been submitted and there is no



allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel appearing on behalf of the informant and the learned A.P.P. for the State vehemently oppose the prayer for bail stating therein that petitioner is named accused in the First Information Report and the petitioner resorted to firing on which the said Amit Kumar succumbed to his injuries.

Considering the facts and circumstances and the materials on record and after perusal of the inquest and postmortem reports, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 11 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ Court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail



cancellation of his bail bonds. Petitioner will also appear before the concerned police station in the first week of every month. It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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