

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45917 of 2017

Arising Out of PS.Case No. -316 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Mukesh Kumar Singh @ Mukesh Singh son of Late Bhola Singh, resident
of Village- Bhatha, P.S.- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-11-2017 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the injured Jitendra Thakur and
learned APP for the State.

Petitioner is languishing in judicial custody since
07.05.2017 in connection with Town P.S. Case No. 316 of 2017
for offences punishable under Sections 341, 326, 307, 120B of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he along with one Jitendra Thakur had gone for
morning walk, four persons on two motorcycles came and started
indiscriminate firing. He managed to escape but his associate
Jitendra Thakur was seriously injured.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and his name surfaced only on the basis of statement of injured Jitendra Thakur who has named the petitioner and other co-accused. He submits that even the injured has not alleged of firing against the petitioner and he was only riding the motorcycle. He submits that specific allegation is upon Munna Singh, Avnit Singh and Sanjeev Singh and that there was no demand of Rangdari by the petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel appearing on behalf of the injured Jitendra Thakur opposes the prayer for bail stating therein that the petitioner does not bear clean antecedent, was driving the motorcycle, all the accused started indiscriminate firing and there are four injuries found in the body of the injured caused by firearm.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in



connection with Town P.S. Case No. 316 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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