

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.2659 of 2018**

Arising Out of PS.Case No. -87 Year- 2015 Thana -JAMOBABAZAR District- SIWAN

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1. Manish Kumar Singh @ Manish Singh S/o Sri Ram Singh Resident of  
Village- Talimapur, P.S. Jamo Bazar, District - Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Roy, Advocate

For the Opposite Party/s : Mr. Manish Kumar 2, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

3      13-02-2018                      Heard learned counsel for the petitioner as well as  
  
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Jamo Bazar P.S.Case o. 87 of 2015, registered under Sections 341,  
307, 504, 506, 34, 302 of the Indian Penal Code and Section 27  
of Arms Act.

The bail petition filed earlier has been twice rejected by  
order dated 18.12.2015 and 12.07.2016 as contained in Annexure  
1 and 2. Informant is the widow of the deceased and in her  
fardbeyan she has stated that on 17.09.2015, she was  
accompanying her husband near their under construction house  
when all the three named accused persons came including  
petitioner and threatened them not to give evidence in the Court



otherwise, he will be killed and thereafter, all the three accused persons went to their newly constructed house came on the roof of house and from Balcony, they fired upon the husband of the informant and which hit the head of her husband and he fell down and became unconscious and he was carried to hospital from where he was referred to Patna and later on succumbed to his injuries. It is also alleged that earlier also co-accused, Lalan Singh fired on the informant's husband for which case was lodged and it was in that case, the informant had to depose as a witness. Further allegation is that all the three accused were firing from their gun from the roof of their house. Police had seized one gun and one revolver and some live and dead cartridges from the place of occurrence.

It has been submitted by the learned counsel for the petitioner that the petitioner has not committed any offence and allegation against the petitioner is general and omnibus and allegation against co-accused Lalan Singh is of firing on her deceased husband previously also. In case diary, statement of witnesses has been recorded and in para 11, 13 of case diary statement of cousin brothers of deceased has been recorded and they have stated that Lalan Singh was carrying a gun and Shri Ram Singh was carrying a revolver but petitioner had no arms. In



para-54 of the case diary, where re-statement of informant has been recorded she has alleged firing by accused, Lalan Singh, which hit the head of her deceased husband and he fell down. It has also been submitted that the petitioner is Nephew and there was land dispute between other two accused and deceased, who was brother of these two accused. It has been further contended that the petitioner is in custody since 18.09.2015 and has clean antecedent.

Having considered the said facts and circumstances, let the petitioner, Manish Kumar Singh @ Manish Singh ,named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Jamo Bazar P.S.Case No. 87 of 2015.

**(S. Kumar, J)**

Sudha/-

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