

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11319 of 2018

Arising Out of PS. Case No.-174 Year-2017 Thana- SANDESH District- Bhojpur

Mohan Singh, Son of Late Sheojee Singh, Resident of Village- Badinha,
Police Station- Sandesh, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate,
Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP
For the Informant : Mr. Suraj Bansh Roy, Advocate

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-03-2018 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
12.11.2017 in connection with Sandesh P.S. Case No. 174 of
2017 registered for the offence punishable under Section 307
and other allied sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that one of the family members, Kamlesh Kumar, 11 year old
was slapped by the petitioner. Thereafter, all the family
members came at the door of the petitioner and objected on
which the petitioner and his other family members started
abusing the informant's side and due to this verbal attack, co-
accused, Rohan Singh fired from his licensed pistol and
petitioner fired from country made pistol, which hit the



informant on his chest, hand and abdomen.

It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated in the aforesaid case and the injuries on the informant was although multiple and on the abdomen, but no opinion about its seriousness has been reflected by the attending Doctor. He submits that charge-sheet has already been submitted and although the petitioner is involved in one more case, but it is of the year 2009. He undertakes not to tamper with the evidence or prosecution witnesses.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that it is due to the firing made by the petitioner that the informant was injured and is undergoing treatment. He submits that one of the family members of the petitioner also fired on another family member, hence, at this stage, petitioner may not be granted the privilege of bail. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on completion of six months in custody 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 Additional Chief Judicial Magistrate-IX, Bhojpur at Ara in connection with Sandesh P.S. Case No. 174 of 2017, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(2) The 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.

(3) 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.)

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