

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70363 of 2018

Arising Out of PS. Case No.-260 Year-2018 Thana- Mohaniya District- Bhabhua (Kaimur)

Shyam Narayan Singh, S/o Late Ram Kawal Singh, Resident of Village-
Anandpur, P.O.- Rooppur, P.S.- Bhabua, District- Kaimur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Adv. Mr. Randhir Kumar No-1, Adv.
For the Opposite Party/s :		Mr. (Dr.) Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 03-12-2018 At the very outset, learned counsel for the petitioner requests to allow him to make correction in respect of address of the petitioner, particularly the name of Police Station. He submits that instead of mentioning the name of Police Station as **Bhabua**, it has incorrectly been typed as **Mohania**.

Learned counsel for the petitioner is permitted to make correction in the address of the petitioner, mentioned on the first page of the petition, in course of the day.

Heard Sri Ravi Shankar Sahay, learned counsel, assisted by Sri Randhir Kumar No. 1, learned counsel for the petitioner and Dr. Mritunjaya Kumar Gautam, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since



30-08-2018 in Mohania P.S. Case No. 260 of 2018 registered for offence under Sections 341, 307, 379, 326, 354 (A) (2), 323/34 of the Indian Penal Code, has prayed for grant of bail, primarily on the ground of parity.

It was argued by learned counsel for the petitioner that in similar circumstance, one of the co-accused, namely Subodh Kumar Singh @ Shiv Bodh Singh has been granted bail by a co-ordinate Bench of this Court by order dated 02-11-2018 passed in Cr. Misc. No. 64065 of 2018. Learned counsel for the petitioner has produced a copy of the order dated 02-11-2018 passed in Cr. Misc. No. 64065 of 2018, which may be kept on record. Besides this, it has been argued that though in the F.I.R., seriousness was shown, but during investigation it has come that virtually, the occurrence had taken place accidentally.

Sri (Dr.) Gautam, learned Addl. Public Prosecutor though has opposed the prayer for bail, but he does not dispute the fact that one of the co-accused has been granted bail.

Be that as it may, considering the nature of accusation as well as fact that one of the co-accused has been granted bail, there is no reason to further detain the petitioner. Accordingly, let the petitioner, namely, Shyam Narayan Singh 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 C.J.M., Kaimur at Bhabua in connection with Mohania P.S. Case No. 260 of 2018 on similar conditions, which were imposed in Cr. Misc. No. 64065 of 2018 as follows:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rakesh Kumar, J.)

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