

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21876 of 2019

Arising Out of P.S. Case No.-281 Year-2018 Thana- BAKHTIYARPUR District- Patna

MAHESH SINGH @ MAHESH KUMAR, aged about 40 years, Male, Son of
Late Chandar Singh Resident of Village - Teka Bigha, P.S.- Bakhtiarpur,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
30.09.2018 in connection with Bakhtiarpur P.S.Case No.281 of
2018 for the offence alleged under Sections 147, 148, 149 and
302 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that while his brother Dhananjay Singh @ Bakhori Singh was
going for work, the petitioner along with nine others named in
the FIR and 3-4 unknown surrounded him in the market place
armed with *lathi*, *danda*, rod bricks and *garasa* and started
indiscriminate assault on the informant's brother. Specific
allegation is upon co-accused Dinesh Singh to have given



garasa blow on the informant's brother on his head and ear twice as a result while being taken to the hospital, the brother of the informant died. The reason behind the said occurrence is that in the year 2007, one Radhe was killed in which the informant's brother was made accused and to avenge the said killing, this occurrence occurred.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, general and omnibus allegation has been levelled against him and main accusation is upon co-accused Dinesh Singh. He further submits that chargesheet has already been submitted and the petitioner is languishing in judicial custody since more than six months. He further submits that some of the accused who have been alleged to be present along with the petitioner have already been granted the privilege of bail by coordinate Benches of this Court in Cr.Misc.No.671 of 2019 dated 29.03.2019 and Cr.Misc.No.4358 of 2019 dated 05.04.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the



petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bakhtiarpur P.S.Case No.281 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-I, Barh, District-Patna, subject to the following conditions:-

(i) 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.

(ii) 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.

(Nilu Agrawal, J)

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