

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67034 of 2019

Arising Out of PS. Case No.-122 Year-2018 Thana- CHAUSA District- Madhepura

Shankar Singh son of Late Sohan Singh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Pranav Kumar

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

According to the prosecution case itself, the
deceased was taken away from his house by F.I.R named co-
accused Mantosh Singh@ Mattuki and subsequently, the
informant claimed in his written report that he was informed
that petitioner and other F.I.R named accused also joined co-
accused Mantosh Singh @ Mattuki and, assaulted the
informant's son whose dead body was recovered later on in
maze field.

Submission on behalf of the petitioner is that co-



accused Mantosh Singh @ Muttuki has already been granted privilege of bail by a co-ordinate Bench of this Court vide order dated 11.09.2019 passed in Cr. Misc. No. 37604 of 2019.

No doubt, Para-3 of the petition goes to show that petitioner does have criminal antecedent of seven cases but from perusal of impugned order it appears that the learned court below rejected the bail prayer of the petitioner only on the ground of his criminal antecedent as the learned trial court has not mentioned any other material which came against the petitioner, in course of trial in his impugned order.

Considering the aforesaid facts and circumstance as well as submission of the parties, above named, petitioner 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 court of P.O cum Additional Judge, F.T.C-I, Madhepura in connection with Session trial no. 190 of 2019 arising out of Chausa P.S. Case No. 122 of 2018, subject to condition that the prosecution may make a prayer for cancellation of bail of the petitioner, if petitioner makes any attempt to terrorise the prosecution witness and if prosecution makes prayer for cancellation of bail of the petitioner, the trial court shall pass appropriate order on the prayer of the



prosecution after making due and proper inquiry.

(Hemant Kumar Srivastava, J)

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