

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12812 of 2020

Arising Out of PS. Case No.-456 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

Monu Kumar @ Monu Singh, Son of Kamlu Singh @ Kamal Kishor Singh
Resident of Mithila Nagar (Saidnagar), P.S.- Bahadurpur, District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kishore Singh

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
30.10.2019, has preferred the present application for grant of
bail in a case registered for the offences punishable under
Sections 307 and 302/34 of the IPC and Section 27 of the Arms
Act.

The prosecution case, as per the fardbeyan of Bajrangi
Prasad, recorded by Inspector cum S.H.O., Laheriyasarai on
28.10.2019 at 1.30 P.M., is to the effect that in front of the shop
of the informant, co-accused Gautam Kumar Singh @ Jaunti,



Chhotu Kumar, Prince Kumar, Raunak Singh, Raja Chaudhary, Rupesh Kumar, Ravi Kumar, Samar Sahi and the petitioner, Monu Singh came out of whom, co-accused Gautam Kumar, Raunak Singh and Raja Chaudhary were armed with pistol and when the brother of the informant asked them to go from there, they started abusing the brother of the informant, thereafter, on the order of other accused persons, co-accused Raunak Singh fired on the brother of the informant, Naveen Kumar, which hit on his chest, thereafter, co-accused Raja Chaudhary and Gautam Kumar also resorted to fire but the same did not hit to anyone. Subsequently, the brother of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that as per the FIR, the petitioner is not armed with any firearm and allegation of firing is also not made against the petitioner. Accusation against the petitioner is omnibus and general. It is further submitted that co-accused Raja Chaudhary, who is alleged to have fired, has been granted bail by a co-ordinate bench of this Court, vide Cr. Misc. No. 12050 of 2020. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case. The investigation has already been concluded and the petitioner is languishing in



custody since 30.10.2019.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the omnibus and general accusation alleged against the petitioner, period under custody and similarly situated co-accused person being granted bail by a co-ordinate bench of this Court, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 456 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, Darbhanga in connection with Laheriasarai
P.S. Case No. 456 of 2019.

The learned Court below will be at liberty to extend
the further period of provisional bail if the lockdown is not over
in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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