

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15239 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana- MANPUR District- Nalanda

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SANTOSH SINGH @ SANTOSH KUMAR S/O LATE LALE SINGH R/O
VILLAGE ALAUDIYA SARAI, PS MANPUR, DISTRICT-NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh
For the Opposite Party/s : Mrs. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Manpur P.S. Case No.104 of 2020 registered for the offence punishable under Sections 147, 148, 149, 307 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case in short is that while the informant was feeding his animals on 17.09.2020, the accused persons including the petitioner armed with gun and rifle came at his



house and started firing indiscriminately, as a result of which he sustained firearm injury in his right wrist and right rib and he became unconscious. Thereafter, he was taken for treatment.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to land dispute. There is no specific overt act against the petitioner rather the allegations are general and omnibus in nature. The specific allegation of firing is against other co-accused persons. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has three criminal antecedents and has been languishing in custody since 30.09.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since there is no specific allegation, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Manpur P.S. Case No.104 of 2020, subject to the following



conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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