

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18499 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- MANSI District- Khagaria

Jhaksu Singh, Son of Late Tetar Singh, R/O Vill.- Saidpur, P.S.- Mansi, Dist.-
Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr.Zainul Abaddin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 307, 447/34 of the
Indian Penal Code and 27 of the Arms Act.

Prosecution case, in brief, is that on 24.05.2020 in the
night, the informant and his sons were harvesting maize crop
and they were sleeping in the night. On khat-khat sound they
woke up and saw accused and others. Ranvir Singh pointed rifle
and petitioner gave order to shoot and Ranvir Singh fired but the
informant saved as barrel was up then Ranvir Singh killed



Rukesh Kumar who was sleeping there. Rukesh Kumar is son of the informant. Doctor had declared him dead in the hospital.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is land dispute between the parties and there is no specific overt act against the petitioner. Allegation against the petitioner is that he is an order giver. There is specific allegation against co-accused namely Ranbir Singh @ Babu Saheb who fired upon the deceased. The petitioner is languishing in judicial custody since 26.05.2020. The petitioner has got 02 criminal antecedents which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts that there is no specific overt act against the petitioner and he is an order giver, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Mansi P.S. Case No. 146/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:



(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated 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 proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as 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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