

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22802 of 2021**

Arising Out of PS. Case No.-355 Year-2020 Thana- WAJIRGANJ District- Gaya

MITHLESH KUMAR SINGH, Son of Late Jageshwar Singh Resident of
Village - Manaini, P.S.- Wazirganj, District – Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 18-11-2021 Heard Sri Ajay Kumar Thakur, assisted by Ms. Vaishnavi Singh, learned counsel appearing on behalf of petitioner and Sri Ajit Kumar, learned A.P.P. appearing for the State.

The petitioner seeks bail in connection with Wazirganj P.S. Case No. 355 of 2020, registered under Sections 302 and 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

It has been alleged against the petitioner by the informant Pramod Singh that on 30.07.2020 at about 3.00 P.M, he received information on phone by one Jyoti that the present petitioner along with other accused persons named in the F.I.R. and some other unknown persons have murdered Kundan Kumar.



Learned counsel appearing for the petitioner submits that the petitioner is an old man and he was not present at the time of alleged incident with respect to murder of Kundan Kumar. He further submits that there is no eye-witness of the occurrence and the petitioner is in custody since 19.12.2020 and the allegation in the F.I.R. is, itself, vague and suspicious and he has falsely been implicated in this case merely on suspicion, as such he deserves to be released on bail.

Learned A.P.P., however, opposes the prayer for bail and submits that petitioner is the father of the main accused and as such his involvement in the occurrence cannot be ruled out as such he does not deserve to be released on bail.

Having considered the facts and circumstances of the case, from perusal of the F.I.R. it appears that neither the informant nor anyone seems to be the witness of the said incident of murder of Kundan Kumar. From perusal of the F.I.R. it appears that information was given to the informant by his granddaughter, who was informed that his brother has sustained firearm injury and has been murdered. Prima facie in absence of any witness to the said incident, let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/-(Rupees Twenty



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Gaya in connection with Wazirganj P.S. Case No. 355 of 2020 subject to the following conditions:

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(II) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bonds.

(III) 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.

(IV) If the petitioner tampers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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