

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30837 of 2021

Arising Out of PS. Case No.-596 Year-2019 Thana- MADHAURAH District- Saran

1. ANOJ SINGH Son of Late Shankar Singh Resident of Village - Awari, P.S.- Marhowra, Distt.- Saran at Chapra.
2. Vinod Kumar Singh Son of Late Baijnath Singh Resident of Village - Awari, P.S.- Marhowra, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyam Shivam Sundaram

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Madhaurah P.S. Case No. 596 of 2019 registered for the offence under Sections 147, 148, 149, 323, 325, 326, 379, 332, 333, 307, 302, 504 and 120(B) of the Indian Penal Code and Section 25(1-b)a, 26, 35 and 27 of the Arms Act.

According to the prosecution case, eight to nine persons variously armed with deadly weapons have attacked on the SIT team and assaulted them. On protest made by the SIT, team, the miscreants started indiscriminate firing with rifle,



pistol and revolver as a result of which one Mithilesh Shah, Farooque and Rajnish sustained gun shot injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In fact, the petitioners have not been named in the F.I.R. rather they have been made accused in this case on basis of confessional statement of the co-accused. No incriminating articles have been recovered from the possession of the petitioners. Moreover, the co-accused, namely, Meena Arun, Arun Singh, Manoranjan Singh @ Manoranjan Kumar Singh @ Bholu Singh @ Bholu Mukhiya @ Bholu, Rajan Kumar @ Rajan Kumar Singh @ Rajan Singh, Rajnish Kumar @ Bhuwar and Brij Bihari Sharma, having more or less similar allegations, have already been granted bail by a co-ordinate Bench of this Court vide order dated 17.02.2020, 25.08.202, 20.03.2020, 29.06.2020, 02.07.2020 and 07.07.2020 passed in Cr. Misc. No. 67542 of 2019, Cr. Misc. No. 85323 of 2019, Cr. Misc. No. 81598 of 2019, Cr. Misc. No. 19982 of 2020, Cr. Misc. No. 21394 of 2020 and Cr. Misc. No. 21737 of 2020, respectively, which is evident from the Annexure-2 Series. The petitioners are rotting in judicial custody since 12.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let



the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-XIII, Saran, Chapra in connection with Madhaurah P.S. Case No. 596 of 2019 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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