

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37847 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- NAGARNAUSA District- Nalanda

Mahendra Singh @ Mahendra Prasad @ King Mahendra Son of Ishwari Prasad @ Ishwari Singh Resident of Village - Chistipur, P.S.- Chandi, Block - Nagarnausa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Sinha

For the Opposite Party/s : Mr.Dr. M.K.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Nagarnausa P.S. Case No. 97 of 2020, registered for the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, while the brother of the informant was coming back home on cart, co-accused Pinku Kumar @ Sanjay Banerjee alongwith two other unknown persons riding on a motorcycle intercepted the brother of informant and thereafter, started indiscriminate firing on him, as a result of which, brother of the informant badly injured and during course of treatment died.

It is submitted on behalf of petitioner that Petitioner is



not named in the FIR. Name of the petitioner has transpired during course of investigation in the confessional statement of co-accused Pinku Kumar. It is further submitted that on the alleged date of occurrence, petitioner was in custody in connection with Patliputra P.S. Case No. 219 of 2020 and he was released from the custody on 20.06.2020. Till date, petitioner has not been put on TIP and he is in custody since 13.03.2021. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, District - Nalanda in connection with Nagarnausa P.S. Case No. 97 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for
cancellation of bail.”

(Prabhat Kumar Singh, J.)

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