

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32980 of 2020

Arising Out of PS. Case No.-403 Year-2020 Thana- MAHUA District- Vaishali

Rajesh Singh, aged about 41 years, Male, S/o Late Baldeo Singh @ Balo Singh Resident of Village-Malpur Singhara, P.S.-Mahua, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the State : Mr. Uma Nath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-01-2021

Heard Mr. Nachiketa Jha, learned counsel for the petitioner and Mr. Uma Nath Mishra, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The matter has been taken up out of turn as the last item on prayer made by learned counsel for the petitioner that he has come to Court today for this case and, thus, it may be taken up, otherwise he would have to come again on the next date.

3. The petitioner is in custody in connection with Mahua PS Case No. 403 of 2020 dated 17.07.2020, instituted under Sections 147/ 148/ 149/ 188/ 341/ 342/ 332/ 333/ 335/ 307/ 379/ 427/ 504/ 506 of the Indian Penal Code and 3/4 of The Prevention of Damage to Public Property Act, 1984.



4. The allegation against the 22 named, including the petitioner, and 150 unnamed persons is that there was clash among two groups due to land dispute and destruction of property and also attempt to injure the police personnel.

5. Learned counsel for the petitioner submitted that there was dispute between two local parties and the petitioner has been made accused only due to rivalry in connivance with the police. It was submitted that there are two other cases against him but one is arising out of the same incident whereas another case of the year 2019 has been filed against the petitioner in which he is on bail. It was submitted that many co-accused have been granted bail by the Court below itself but the petitioner and two others were denied bail on the pretext that they had criminal antecedent and out of them, co-accused Rajan Singh @ Rajan Kumar has been granted bail by a co-ordinate bench on 08.12.2020 in Cr. Misc. No. 32468 of 2020.

6. Learned APP submitted that the petitioner is named. However, he did not controvert that the allegation against the petitioner is general and omnibus.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali (Hajipur) in Mahua PS Case No. 403 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

