

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38712 of 2020

Arising Out of PS. Case No.-125 Year-2020 Thana- BUNIYAD GANJ District- Gaya

MANISH SINGH S/o Rajeev Kumar Singh @ Rajiv Kumar Singh Resident
of Mohalla- Manpur Gopalganj Road, Baksariya Tola, P.S.- Buniyadganj,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Rakesh Singh, Advocate
For the State	:	Mrs. Pushpa Sinha 1, APP
For the informant	:	Mr. Upendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant through
virtual mode.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

On behalf of the petitioner, it has been submitted that
due to typographical error, one of the antecedents as referred in
paragraph 3 of the application in respect of the petitioner has
wrongly been mentioned as P.S. case No.86/2018. Same be
treated as P.S. case No.86/2015.

The petitioner is apprehending his arrest in connection
with Buniyadganj P.S. case No.125/2020 registered under



Sections 307, 341, 323, 504, 147, 148, 149 of the Indian Penal Code.

Allegation is that the informant and one Uttam Kumar were attacked by 10-12 unknown persons. One of them fired upon Uttam Kumar, who sustained gun shot injury.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. As per the prosecution case, 10-12 unknown persons had come and assaulted one Uttam Kumar. The informant is an eye witness. The name of the petitioner has come in course of investigation on the basis of C.C.T.V. report. As per the said report, the main allegation of assault is against the co-accused, namely, Tinku Singh, who is alleged to have fired upon the victim along with other co-accused. So far the petitioner is concerned, he is alleged to be a member of unlawful assembly. There is no injury attributed against him. No specific overt act is alleged against him.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is not named in the F.I.R. His name has come in this case in course of investigation.



Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned A.C.J.M. VIII, Gaya in connection with Buniyadganj P.S. case No.125/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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