

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3513 of 2021**

Arising Out of PS. Case No.-182 Year-2020 Thana- DINARA District- Rohtas

Mosafir Singh @ Birendra Singh, Son of Late Jai Govind Singh Resident of
Village - Gopalpur, P.S. - Dinara (BHANAS), District - Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Dinara (Bhanas) P.S. Case No. 182/2020
registered for the offence under Section 341, 323, 326, 307, 504,
506/34 of the Indian Penal Code and 27 of Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant alleged that when the
petitioner was keeping his straw cutting machine on the land of
the informant and while the son of the informant asked the son
of the petitioner to side his vehicle from the way, on which son
of the petitioner started abusing him, meanwhile, second son of
the petitioner came there and started assaulting him by means of
lathi, danda and petitioner instigated his son Dipak to shoot him.



It is alleged that son of the petitioner fired two shots from his pistol which hit the right hand finger of Dipu Singh. On hearing the sound of firing and hulla the another son of the informant came to rescue the injured Dipu Singh, thereafter the accused persons fled away. The informant and others brought his son to Government Hospital, Dinara for treatment.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner is the own gotia of the informant and there is land dispute between the parties. Learned counsel submits that petitioner is in custody since 09.07.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case in which the petitioner is alleged to have directed his son to fire upon the injured and thereafter his son has allegedly fired, considering that the petitioner is the order giver and has remained in jail in connection with the present case since 09.07.2020, he has otherwise no criminal antecedent, investigation against him is complete and at this stage it is not the submission of the State that his release is likely to result in tampering with the evidence or interfering with the course of



trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Bikramganj, District – Rohtas, in connection with Dinara (Bhanas) P.S. Case No. 182/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

