

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68907 of 2021**

Arising Out of PS. Case No.-111 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

RITESH KUMAR SINGH @ RITESH SINGH @ FUDAN SINGH Son of
Dadan Singh Resident of village - Mahuli, P.S.- Ara, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2774 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

CHAND DEO PANDEY @ CHAND KUMAR PANDEY S/o Mithilesh
Pandey R/o village- Mahuli, P.S.- Ara Muffassil, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68907 of 2021)

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

(In CRIMINAL MISCELLANEOUS No. 2774 of 2022)

For the Petitioner/s : Mr.Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

For the Informant : Mr.Ajay Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 10-05-2022

CRIMINAL MISCELLANEOUS No.68907 of 2021

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code read with Section 27 of the Arms Act.



Learned counsel for the petitioner submits that the petitioner is in custody since 19.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and is aged about 26 years.

The informant alleges that the petitioner along with five named accused persons came to his house and started searching her son Amit Kumar and when Amit Kumar was not found, the co-accused Rahul Singh fired saying he would kill his son and when the husband of the informant came out and asked the accused as to why they are hurling abuses, on which it is alleged that Ashish Kumar fired on her husband's chest who died at the spot.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the petitioner is not alleged to be the assailant rather it is alleged that he had accompanied Rahul Singh on his motorcycle who had fired in the air. It is further submitted that Ashish Kumar is alleged to be the main assailant of the husband of the informant and the petitioner is a young man having clean antecedent and has been falsely implicated in the present case based on a general and omnibus allegation that he also accompanied Rahul Singh. Learned counsel submits that the



said co-accused Rahul Singh has been granted bail vide order dated 01.04.2022 in Cr. Misc. No. 64492 of 2021. It is also submitted that if petitioner remains in custody for a long time then it will jeopardise his career and may come in contact with hardened criminals.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that the co-accused has been granted bail.

Considering the fact that the petitioner is in custody since 19.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ara Muffasil P.S. Case No. 111 of 2021 with a condition that one of the bailors of the petitioner shall be his father, Dadan Singh.

CRIMINAL MISCELLANEOUS No. 2774 of 2022

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.



The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 19.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and is aged about 26 years.

The informant alleges that the petitioner along with five named accused persons came to his house and started searching her son Amit Kumar and when Amit Kumar was not found, the co-accused Rahul Singh fired saying he would kill his son and when the husband of the informant came out and asked the accused as to why they are hurling abuses, on which it is alleged that Ashish Kumar fired on her husband's chest who died at the spot.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that petitioner is not alleged to be the assailant rather the only allegation against him is of accompanying Ashish Kumar on his motorcycle who is alleged to be the main assailant and petitioner is a young man having clean antecedent and has been falsely implicated in the present case based on a general



and omnibus allegation that he also accompanied Ashish Kumar and Rahul Singh. Learned counsel submits that co-accused Rahul Singh has been granted bail vide order dated 01.04.2022 in Cr. Misc. No. 64492 of 2021. It is also submitted that if the petitioner remains in custody for a long time then it will jeopardise his career and may come in contact with hardened criminals.

Learned A.P.P. for the State and the learned counsel for the informant vehemently oppose the prayer for bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that the co-accused has been granted bail.

Considering the fact that the petitioner is in custody since 19.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ara Muffasil P.S. Case No. 111 of 2021 with a condition that one of the bailors of the petitioner shall be



his father, Mithilesh Pandey.

(Satyavrat Verma, J)

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