

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7040 of 2022

Arising Out of PS. Case No.-109 Year-2004 Thana- MOHANIYA District- Kaimur (Bhabua)

ANIL KUMAR SINGH Son of Shiv Narayan Singh Resident of Village -
Sadokhar, P.s.- Chenari, Distt.- Rohtas (Sasaram).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mohaniya
P.S. Case No. 109 of 2004 registered for the offence under
Section 302 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 01.10.2021.

The allegation against the petitioner is to commit
murder of two unknown persons along with other co-accused
persons, where the informant is local *Chaukidar*.

Learned counsel appearing on behalf of the petitioner
submitted that accusation is completely based upon suspicion. It



has further been submitted that nothing surfaced during course of investigation, which may connect the petitioner with the alleged occurrence of murder. It has further been submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Mangal Pandey, who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 28990 of 2012 on 21.09.2012. It has further been submitted that due to COVID-19, the petitioner failed to surrender after rejection of his anticipatory bail, as he was working as Mechanical Operator at Vijaywada (Telangana). While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as the informant is not the eye-witness of the occurrence and nothing surfaced during course of investigation to connect the petitioner *prima-facie* with the present occurrence coupled with the fact that charge-sheet has already been submitted, let



the petitioner, above named, is directed to be released on bail in connection with Mohaniya P.S. Case No. 109 of 2004 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Kaimur at Bhabua/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Manish Kumar Singh, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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