

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9893 of 2022

Arising Out of PS. Case No.-91 Year-2021 Thana- IMADPUR District- Bhojpur

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Banke Bihari Singh Son of Satyanand Singh (Styanand Singh) Resident of
Village - Moap Kalan (Mayapkala), P.s.- Imadpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, A.P.P.
For the informant	:	Mr. Ram Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner seeks bail in connection with Imadpur
P.S. Case No. 91 of 2021 lodged under Sections 147, 148, 149,
302, 504 and 506 of the Indian Penal Code read with Section 27
of the Arms Act.

As per the allegation made in the F.I.R., there was
allegation made against 11 named accused persons out of which
specific allegation was made against Deepak Kumar Singh from
whose gun shot injury the father of the informant died. The
another allegation is upon Bishwanath Singh and Satyanand



Singh who fired on informant with an intention to kill, upon rest of the accused there is general and omnibus allegation of firing.

Learned counsel for the petitioner submits that there is no specific allegation of act or overt act upon the present petitioner. He further submits that charge-sheet has already been filed in this case, the petitioner is in custody since 18.10.2021 and having no criminal antecedent, nothing was recovered from the possession of the petitioner. He further submits that two accused persons namely Montu Singh and Shesh Nath Singh having similar allegation as like that of the present petitioner were granted bail vide order dated 25.05.2022 passed in Criminal Misc. No. 70884 of 2021.

Learned A.P.P. has opposed the prayer for bail of the petitioner and submits that the bail of the accused Ram Nath Singh was allowed by the Coordinate Bench of this Court vide order dated 26.05.2022 passed in Criminal Misc. No. 72134 of 2021.

Considering the fact and upon bare perusal of the records it become crystal clear that by the rifle shot of accused Deepak Kumar Singh the father of the informant injured and subsequently died, the allegation on Bishwanath Singh and Satya Nand Singh was of similar nature that they fired with an



intention to kill but so far as the other accused persons are concerned there are no specific allegation against them, only a general and omnibus allegation of firing was upon them, upon considering that the charge-sheet has already been filed and petitioner is in custody since 18.10.2021 and also considering that the accused persons having similar allegation as like that of the present petitioner has granted bail by the Coordinate Bench of this Court, let the petitioner, above named, be granted bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Imadpur P.S. Case No. 91 of 2021.

(Dr. Anshuman, J)

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