

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10262 of 2022**

Arising Out of PS. Case No.-179 Year-2021 Thana- AANDAR District- Siwan

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DHIRENDRA SINGH S/o- Late Krishna Singh R/o Village- Bharouli, P.S.-
Andar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 10413 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- AANDAR District- Siwan

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ABHIMANYU SINGH @ ABHIMANU SINGH Son of Late Jai Prakash
Singh Resident of Village - Dharampur, P.s.- Andar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10262 of 2022)

For the Petitioner/s : Mr. Jitendra Singh, Senior Advocate
Mr. Tej Pratap Singh, Advocate
Mr. Shankar Thakur, Advocate
Mr. Yash Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 10413 of 2022)

For the Petitioner/s : Mr. Jitendra Singh, Senior Advocate
Mr. Tej Pratap Singh, Advocate
Mr. Shankar Thakur, Advocate
Mr. Yash Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-07-2022

IN CR. MISC. NO. 10262 OF 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 Andar P.S. Case No. 179 of 2021 registered for the offence under Sections 307, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 24.09.2021.

The allegation against the petitioner is to assault the informant along with other co-accused persons, by using fire arms with intention to cause death, in the background of local political differences.

Learned senior counsel appearing on behalf of the petitioner submitted that allegation as regard to assault is very much specific against the co-accused, namely, Abhimanyu Singh, whereas allegation against petitioner is limited to be pillion rider, without having any overt act. It has further been submitted that due to local Panchayat election, the petitioner has falsely been implicated in this case. It is also submitted that criminal antecedents of petitioner is also politically motivated. 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 specific allegation as regard to firing is against co-accused, namely, Abhimanyu Singh @ Abhimanu Singh, as per FIR.

Considering the facts and circumstances as mentioned above, as there is no specific allegation as regard to fire upon the informant/injured against the petitioner 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 Andar P.S. Case No. 179 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IXth, Siwan, 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 Manoj Kumar Singh, who is the maternal uncle of the petitioner and deponent of the present bail petition.”

IN CR. MISC. NO. 10413 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Considering the submissions advanced by learned counsel appearing on behalf of the petitioner, let a legible copy of the complete case diary along with postmortem report be called for in connection with Andar P.S. Case No. 179 of 2021 from the court of learned A.C.J.M. IXth, Siwan.

Put up this case on 23.08.2022.

(Chandra Shekhar Jha, J)

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