

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13453 of 2022

Arising Out of PS. Case No.-555 Year-2020 Thana- ARA NAWADA District- Bhojpur

Mamlesh Singh @ Mamlesh Kumar Singh @ Mamlesh Pratap Singh Son of
Jai Kishore Singh Resident of Village- Mahuli, P.S.- Ara Muffasil, District-
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. M. K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ajay Kumar Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Ara Nawada P.S. Case No. 555 of 2020,
registered for the offences punishable under Section 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report
alleging therein that on 26.07.2020 at about 08:00 pm, the
informant received an information that his son was shot dead
near Mil Road, Bengali Hata. It is further alleged that before the



alleged occurrence, the deceased had gone to the market after disclosing this fact that he was being called by Suraj Paswan and Bipin Kumar and as such the informant suspected the hands of both the persons in committing the murder of his son.

It is submitted by the learned counsel appearing on behalf of the petitioner that petitioner is neither named in FIR nor even suspicion has been raised against him, however, during the course of investigation name of the petitioner has transpired on the statement of the brothers of the deceased, namely, Anshu Kumar and Raja Babu. He further submitted that in fact, the petitioner has been in custody since 17.05.2019 in connection with Nawada P.S. Case No. 116 of 2019 and the present occurrence has taken place on 26.07.2020, hence, there is no possibility of the presence of the petitioner at the time of occurrence. He also submitted that only because of the criminal antecedent of the petitioner, found involved in ten other criminal cases, his name has been implicated in this case without any cogent material. He last submitted that the petitioner is remanded in this case on 13.07.2021 and since then he is in custody.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that the



petitioner is a habitual offender, having found involved in serious nature of crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner is neither named in the FIR nor there is any cogent material suggesting his complicity, apart from the fact that he had already been in custody prior to the alleged date of occurrence, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Nawada P.S. Case No. 555 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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