

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65722 of 2021

Arising Out of PS. Case No.-44 Year-2019 Thana- PURNAHYA District- Sheohar

Monu Singh @ Monu Kumar Singh Son of Shankar Singh Resident of Village
- Basant Khurd, P.s.- Suppi, Distt.- Sitamarhi, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16139 of 2022

Arising Out of PS. Case No.-44 Year-2019 Thana- PURNAHYA District- Sheohar

Dheeraj Kumar Singh @ Dhiraj Singh @ Dheeraj Rathaur Son of Lalan Singh
R/o Village- Basant Khurd, P.S.- Suppi, District- Sitmarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65722 of 2021)

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 16139 of 2022)

For the Petitioner/s : Mr. Shyama Kant Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 28-06-2022 Since both the cases arise from same P.S. Case, as

such, they have been heard together which being disposed of by

a common order.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.



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

In the present case, the petitioners seek bail in connection with Purnahya P.S. Case No. 44 of 2019 registered for the alleged offences under Sections 386, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly the petitioners and co-accused demanded extortion money from the informant who was working on a petrol pump and shot one of the employees of the petrol pump.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The F.I.R. has been registered against unknown and no recovery has been made from the petitioners. The petitioners have been made accused in this case on the basis of confessional statement. No Test Identification Parade has been conducted to identify the accused persons and hence there is nothing to show the involvement of the petitioners in the instant case.

Learned counsel appearing on behalf of the petitioner Monu Singh (Cri. Misc. No. 65722 of 2021) has further submitted though the accused has 6 criminal cases, he is on bail in all cases except one. The petitioners are in custody since 06.03.2021.



Learned A.P.P. for the State has opposed the submission made on behalf of the petitioners submitting that altogether 14 cases are pending against the petitioner Dheeraj Kumar Singh whereas 6 cases are pending against the petitioner Monu Singh.

Having regard to the submissions made hereinabove and considering the fact that no Test Identification Parade has been conducted and there is no recovery from the petitioners and taking into consideration the period of custody, the petitioners above named, are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sheohar in connection with Purnahya P.S. Case No. 44 of 2019, subject to the following conditions :

(i) The bail bond of the petitioners shall be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or



in violation of the terms of the bail, the bail bond of the
petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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