

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27674 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- BIDUPUR District- Vaishali

Sanjay Singh S/O Sachchidanand Singh @ Satanand Ray, R/o village-
Dilawarpur Gobardhan Tola Nanhak Chak, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Bidupur P.S. Case No.72 of 2021 instituted under Sections
147, 148, 149, 448, 341, 323, 307, 504 of the IPC and 27 of the
Arms Act.

The allegation in the FIR is that the informant Sudhir
Kumar Singh alleged that the accused persons came to his house
armed variously and it is further alleged that Manish Singh after
abusing him opened fire, which hit his stomach and one Mahesh
Singh fired on his hand. Further allegation is that Manish
Kumar again opened fire, which hit his chest whereafter
allegation is that Jitendra Singh opened fire, which hit the



middle part of the finger. Accordingly, he was firstly brought to Primary Health Center, Bidupur from where he was referred to Patna Medical College Hospital.

Learned counsel for the petitioner submits that bare perusal of the FIR shows that the allegation is against Manish Singh, Mahesh Kumar and Jitendra Singh and the only allegation against him is that he was part of the unlawful assembly. He submits that for the said alleged allegation, he has suffered by being in custody since 25.01.2022 and has no criminal antecedent.

Taking into account the fact that allegation is against Manish Singh, Mahesh Kumar and Jitendra Singh, he has been shown as part of the mob, has no criminal antecedent and he is in custody since 25.01.2022, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bidupur P.S. Case No.72 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to following conditions:

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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