

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28345 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- MASHRAK District- Saran

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TUNA SINGH @ MANORANJAN SINGH Son of Krishn Kant Singh
Resident of Village - Batu ke Chhapiya, P.S.- Mashrak, Distt.- Saran at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshul, Advocate.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Anshul, learned counsel for the petitioner
as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Mashrakh P. S. Case No. 59 of 2020
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 427, 379, 354 (B), 504, 506 of the Indian Penal
Code, Section 378 (c) of 37 (c) of the Bihar Prohibition and
Excise Act, 2016 and Section 25 (1-b)a, 26 and 27 of the Arms
Act.



As per the prosecution case, it is alleged that the Police, on a secret information, raided the house of the co-accused persons and when the petitioner along with other co-accused persons namely, Kaushal @ Sahabu and Krishna Kant Singh came at the house of the informant in a drunken state and started abusing and damaged his car and when the sister-in-law of the informant came to save him, she was assaulted by them. It is further alleged that this petitioner snatched a golden chain from the neck of his sister-in-law of the informant and thereafter, when the information was given to the police and when the police came there, they succeeded in fleeing away. After few hours the accused persons including this petitioner again came to the house of the informant and damaged three motorcycles and also disrobe the sister-in-law of the informant. It is also alleged that while they fleeing away, one country-made pistol and one cartridge fell down on the ground, which were handed over to the police.

Learned counsel appearing on behalf of the petitioner submitted that general and omnibus allegation has been levelled against all the three F.I.R. named accused persons along with some unknown persons. It is further submitted that admittedly neither any arms nor any illicit wine nor any



incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that so far the offence under the Excise Act is concerned, the same is not applicable, as no recovery has been made from the possession of this petitioner. It is next submitted that even the offences punishable under Arms Act is not applicable in this case, as the arms was recovered by the private persons and thereafter, the same was handed over to the police. It is also submitted that the co-accused persons having identical allegation namely, Kaushal @ Sahabu and Krishna Kant Singh have already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 15708 of 2020 vide order dated 14.05.2020. It is lastly submitted that this petitioner is in custody since 15.02.2022 and moreover, both the petitioners and the informant are co-villagers, though the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation that the petitioner has assaulted and disrobe the sister-in-law of the informant.

Having considered the submissions made on behalf of the parties and taking into account the fact that no



incriminating material has been recovered from the person or possession of this petitioner and moreover, the accused persons, having identical allegation have already been granted bail by learned co-ordinate Bench of this Hon'ble Court and he is in custody since 15.02.2022, though the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, 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 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Mashrakh P. S. Case No. 59 of 2020, subject to the condition that one of the bailors will be the close relative 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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