

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39657 of 2021

Arising Out of PS. Case No.-76 Year-2006 Thana- MANJHAGARH District- Gopalganj

BIRAN SINGH @ BIRESH SINGH S/O LATE JANG BAHADUR SINGH
R/O VILLAGE-FULUGUNI (LOHAR PATTI), P.S-THAWE, DISTRICT-
GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the accused persons are stated to have come variously armed. Ajay Singh is stated to have shot the grand son of the informant and it is further stated that as a result of firing by the petitioner, the informant sustained pellet injuries in his leg.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case for oblique reasons. He is not alleged to have fired at the deceased. It is further submitted that even accepting the allegations made in the FIR, the allegations against the petitioner is of having caused simple injury on non-vital part of the body of Ram Charan Yadav. The genesis of the occurrence is said to be the election for the post of Mukhiya. The petitioner is in custody since 31.3.2021 and has no criminal antecedent. Charge sheet



has been submitted in the case.

The application for bail is opposed by learned APP for the State who submits that this is a case of the year 2006.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 9 months, the Court directs the petitioner to be enlarged on bail in connection with Manjhagarh Thawe P.S. Case no. 76 of 2006 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj.

It is further directed that the petitioner shall co-operate in the trial and in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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