

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42048 of 2021**

Arising Out of PS. Case No.-26 Year-2020 Thana- AMBA District- Aurangabad

=====

NAGINA SINGH @ NAGENDAR SINGH S/O LATE PARMESHWAR
SINGH VILLAGE-ERİYAP, P.S-AMBA, DISTRICT-AURANGABAD,
BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Nivedita Nirvikar, Sr. Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 06-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Amba PS case no. 26 of 2020 instituted for the offences punishable under Sections 302, 307 and other allied sections of Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having had an altercation with the prosecution side, whereupon the accused persons had



surrounded the informant and others and had assaulted them. Subsequently, it is alleged that the petitioner had ordered the other accused persons to go on the roof and pelt stones and bricks on the informant and others, whereafter the accused persons had pelted stones and bricks on the informant and others, resulting in one of the member of the prosecution side being inflicted with grievous injuries, resulting in him succumbing to his injuries, subsequently.

The learned Senior counsel for the petitioner Ms. Nivedita Nirvikar assisted by Mr. Arya Achint, Advocate submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 16.03.2021. The learned Senior counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner and the petitioner has not been alleged to have engaged in any sort of overt act. It is next submitted that the present case arises out of case and counter case. It is also submitted that similarly situated co-accused persons have already been granted bail by this Court vide order dated 02.02.2021, passed in Cr. Misc. no. 30259 of 2020.

Per contra, the learned A.P.P. for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by a co-ordinate Bench of this Court, apart from the fact that a general and omnibus allegation has been levelled against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Aurangabad in connection with Amba PS case no. 26 of 2020.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

