

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36039 of 2022

Arising Out of PS. Case No.-154 Year-2017 Thana- DIGHWARA District- Saran

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1. MANOJ SINGH SON OF LATE SURAJ SINGH R/O VILLAGE-HAWASPUR, P.S.- SHAHPUR, DISTRICT- PATNA
 2. NEHAL SINGH SON OF LATE SURAJ SINGH R/O VILLAGE-HAWASPUR, P.S.- SHAHPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Dighwara P.S. Case No. 154 of 2017 registered for the offences punishable under Sections 302, 147, 148, 149 of the Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, while the son of informant was taking the boat, several accused persons including present petitioners made indiscriminate firing causing death of his son.

Learned counsel for the petitioners submits that



petitioners are in custody since 01.01.2022. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is no specific allegation against the petitioners. Allegations are general and omnibus in nature. It has further submitted that only one gun shot injury was found on the body of the deceased. Learned counsel further submits that co-accused Anil Rai and co-accused Laddu Rai have been granted bail vide Cr. Misc. No. 12600 of 2018 and Cr. Misc. No. 55085 of 2018 respectively by co-ordinate bench of this Court and the case of present petitioners stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned C.J.M., Saran in connection with Dighwara P.S. Case No. 154 of 2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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