

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44152 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

Durga Singh S/o Late Mohan Singh R/o village- Karisath, P.S.- Udwantnagar
(Gajrajganj), District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Udwantnagar P.S. Case No. 128 of 2022 registered for the
offence under Sections 147, 148, 149, 109, 341, 323, 307, 504,
506 and 302 of the Indian Penal Code and under Section 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.03.2022.

The allegation against the petitioner is to commit the
murder of the brother of informant, along with other co-accused
persons, by causing fire arm injuries due to previous enmities.



Learned counsel appearing on behalf of the petitioner submitted that the allegation against this petitioner is limited to give order to kill, whereas specific allegation to cause fatal fire arm injuries is available against co-accused, namely, Hari Om Singh, who is not petitioner before this Court for the present. It is submitted that similarly situated co-accused person, namely, Rohit Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 45641 of 2022 vide order dated 29.11.2022. It is also submitted that petitioner is a man of clean antecedent as, though, he was named in Udwanthnagar P.S. Case No. 02 of 2016, where after investigation, police submitted the final form against this petitioner and also cognizance has not been taken against this petitioner by the learned Trial Court. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner is limited to give order to fire, where specific allegation of firing is available



against co-accused Hari Om Singh coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Udwanthnagar P.S. Case No. 128 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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