

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64468 of 2021

Arising Out of PS. Case No.-215 Year-2019 Thana- ARA NAGAR District- Bhojpur

MAMLESH SINGH Son of Jay Kishore Singh Resident of Village - Mahuli,
P.S.- Ara Muffasil, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.G.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ara Nagar P.S. Case No. 215 of 2019 registered for the alleged offences under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant was fired upon by two unknown miscreants and he sustained injuries in his abdomen. The FIR named two co-accused persons further exhorted these unknown miscreants and they also opened fire. The occurrence took place due to some property dispute. The



name of the petitioner transpired during investigation in further statement of the informant that he was one of the person who opened fire on him.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Initially he was not named in the FIR but later on due to previous grudge, the informant named this petitioner. Even during re-statement, the informant did not name this petitioner but later on again his statement was recorded and he disclosed the name of the petitioner as one of the assailants. There has been undue delay in lodging the FIR but this delay has not been explained. The name of the petitioner was disclosed after one year of the occurrence. The petitioner has no concern with the alleged occurrence and the police without any material named him in this case. Learned counsel further submits that Ashish Paswan has been granted bail vide order dated 31.03.2022 passed in Cr. Misc. No. 45878/2021 and other named co-accused persons Vikash Singh and Krishna Singh have been granted bail vide orders dated 10.01.2020 and 18.07.2019 passed in Cr. Misc. Nos. 59861/2019 and 44017/2019, respectively by different Coordinate Benches. Charge sheet has been submitted in this case and the petitioner is in custody since



07.10.2020.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that it has come during investigation that the petitioner was one of the miscreants who fired upon the informant.

Perused the records.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and also the fact that the name of the petitioner transpired after one year in the statement of informant and no substantive material came up against this petitioner and also considering the period of custody along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 215 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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