

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69699 of 2021

Arising Out of PS. Case No.-296 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

=====

MONU SINGH @ RITIK @ MANU SINGH @ RITIK KUMAR SINGH
S/O RAKESH KUMAR SINGH R/o village- Majurahan, P.S.- Raghunathpur
OP, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ansul, Adv. Mr. Anuj Kumar, Adv.
For the State	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Madhurendra Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 14-09-2022 The present matter has been listed under the heading
“To Be Mentioned.”

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 petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Town
P.S. Case No. 296 of 2021 registered for the offences punishable
under Sections 302, 120(B), 34 of the Indian Penal Code and 27
of the Arms Act.

As per prosecution case, the informant's father has
been shot dead by the FIR named accused persons on account of



political rivalry at Panchayat level.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name surfaced in this case after four days of alleged occurrence in the statement of witness Ragini Kumari who happens to be daughter of deceased. He further submits that petitioner is in custody since 14.06.2021 and bears criminal history of four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no eye witness to the alleged occurrence as same is evident from perusal of FIR itself and only on the basis of suspicion petitioner has been implicated in the case. Learned counsel also submits that co-accused Dablu Khan @ Shahid made his confessional statement and in his confessional statement name of petitioner has been transpired. He further submits that in his confessional statement, co-accused Dablu Khan @ Sahid confessed his implication and stated that he fired upon the deceased and fled away hiding the pistol in bush. Learned counsel specifically submits that weapon of offence has not been recovered from possession of the petitioner. He further submits that FIR named accused Salman Miyan @ Sanaullah @ Sheikh Sanaullah and Muslim Miyan have been granted bail



by Co-ordinate Bench of this Court vide Cr. Misc. No. 47864 of 2021. Similarly, FIR named accused Aasha Singh has been granted bail by Co-ordinate Bench of this Court vide Cr. Misc. No. 46077 of 2021 and the case of present petitioner stands on better footing keeping in view that he is not named in the FIR.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, petitioner is not named in the FIR, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with (Motihari) Town P.S. Case No. 296 of 2021, 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) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner 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)

shahzad/alok-

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

