

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69732 of 2021**

Arising Out of PS. Case No.-257 Year-2019 Thana- BARHARA District- Bhojpur

Sanjay Singh Son of Raj Narayan Singh Resident of Village - Mahudahi, P.S.
- Barahara, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Singh, Advocate Mr.Sushil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar Singh No.1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 26-11-2022 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 Barhara
(Sinha O.P.) P.S. Case No. 257 of 2019 registered for the
offence under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.05.2021.

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



Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in this case, where maximum allegation against this petitioner, as per FIR, appears to be the part of mob only. It is submitted that as petitioner involved in 10 more criminal cases, where he is on bail, due to suspicion arises out of said antecedents, petitioner named in the present case also, having otherwise no bearing over the merit of the case. It is further submitted that thrust of allegations as regard to cause fatal fire arm injury is available from the face of FIR itself, against co-accused, Ajay Singh. It is also submitted that similarly situated co-accused person, Rameshwar Paswan, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 5614 of 2022 vide order dated 26.05.2022. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner was a part of mob only.

In view of the facts and circumstances as mentioned above, as allegation against this petitioner is limited to be the part of mob only, where specific allegation is to cause fatal fire



arm injury is available against co-accused, Ajay Singh, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barhara (Sinha O.P.) P.S. Case No. 257 of 2019 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 following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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