

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70884 of 2021

Arising Out of PS. Case No.-91 Year-2021 Thana- IMADPUR District- Bhojpur

1. Montu Singh @ Mantu Singh Son Of Jaj Singh @ Jai Singh.
2. Shesh Nath Singh Son Of Jaj Singh @ Jai Singh.
Both Resident Of Village- Keshopur, P.S- Barahara, Dist- Bhojpur At Ara (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Adv.
For the Informant	:	Mr. Ram Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The two petitioners are in judicial custody in connection with Imadpur P.S. Case No.91 of 2021 instituted under Sections 147, 148, 149, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegation in the FIR all the accused persons including the petitioners herein armed variously came to the field of the informant and it is alleged that they resorted to indiscriminate firing. Specific allegation has been levelled against Deepak Singh that he opened fire with his rifle, which hit his father Jagdeo Singh whereafter accused Bishwanath



Singh and Satya Nand Singh also fired upon them. His father was taken to the clinic of Dr. Vikash Singh but by that time he had succumbed to the injuries. The motive has been assigned to be capturing of the land of the informant.

Learned counsel for the petitioners submit that specific allegation has been made against accused Deepak Singh of opening fire which hit the informant's father who succumbed to his injuries. Additionally, accused Bishwanath Singh and Satya Nand Singh has also been named, who tried to kill them by opening fire. So far as these petitioners are concerned, an omnibus allegation has been levelled that they resorted to indiscriminate firing without attributing any injury to any one from the informant's side. He submits that only because number of criminal cases under the belt of both the petitioners, they have been named in this case for which they are in jail since 19.07.2021 (as stated in para-15 of the bail application). He has further submitted that the said accused Deepak Singh is in judicial custody which can be reflected from the fact that a bail application vide Cr. Misc. No.16761/2022 has been preferred on his behalf which is pending before this Court.

Considering the aforesaid fact that specific allegation has been made against Deepak Singh that he opened fire which



killed the father of the informant as also that omnibus allegation has been levelled against the accused persons including the petitioner herein, both of them are in jail since 19.07.2021 and charge sheet stands submitted as also the fact that the main accused Deepak Singh is in jail, this Court inclined to grant them privilege of bail. However, in view of the fact that both of them have number of criminal cases lodged against them, this Court while releasing them on bail would like to put some strict conditions.

Let both the petitioners be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Imadpur P.S. Case No.91 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Bhojpur at Ara/successor court, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so on any date without plausible reasons will entail cancellation of their bail by the Trial court itself;



(iii) the petitioners shall appear before the concerned police station every month till the conclusion of the trial to mark their presence;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

