

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59095 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- BARHARA District- Bhojpur

JITENDRA SINGH @ JITU SINGH Son of Keshri Singh Resident of Village
- Nathmalpur, P.S. - Barhara, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the informant	:	Mr. Manoj Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Barhara PS case no. 223 of 2020 instituted for the offences punishable under Sections 147, 148, 149, 307, 302, 326 of Indian Penal Code and Section 27 of Arms Act.

The case of the prosecution in brief is that while the son of the informant was standing near *Panchayat* Committee Hall on 20.03.2022 at about 3 pm, four bike borne accused persons had arrived there and had assaulted him, whereafter, they had left the place of occurrence. It is further alleged that at about 5 pm on the same day, the accused persons including the petitioner herein, had again arrived at the place of occurrence, armed with rifle, whereupon the co-accused person namely Arbind Singh had fired on the son of the informant namely Bhawani Bin, resulting in him



being inflicted with gun shot injuries leading to his subsequent death.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 15.06.2022. The learned counsel for the petitioner has further submitted that no allegation has been levelled regarding the petitioner having either engaged in any sort of overt act or having fired any gun shots and moreover, similarly situated co-accused persons have already been granted bail vide order dated 13.12.2022, passed in Cr. Misc. no. 49917 of 2022 and vide order dated 09.12.2022, passed in Cr. Misc. no. 48127 of 2022.

Per contra, the learned APP for the State and the learned counsel for the informant have though vehemently opposed the prayer for bail, however, they have not denied the fact that co-accused persons have already been granted bail by co-ordinate Benches of this Court.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioner and he has not been alleged to have either participated in the first occurrence or



fired gun shots on the deceased, as far as the second occurrence is concerned, is languishing in custody since 15.06.2022 and is having a clean antecedent, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara PS case no. 223 of 2022.

(Mohit Kumar Shah, J)

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