

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12918 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- KOCHAS District- Rohtas

1. MITHILESH SINGH @ MITHILESH KUMAR Son of Sri Kedar Singh
2. BIMLESH SINGH @ BIMLESH KUMAR SINGH @ BIMALESH KUMAR @ BIMALESH KUMAR SINGH Son of Sri Rajendra Singh @ Rajendra Rai.
Both R/v- Kauwarkonch, P.S.- Kargahar, District- Rohtas, Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-07-2023 Heard Mr. Shankar Kumar learned counsel for the petitioners, Mr. Krishna Prasad Singh, learned senior counsel appearing for the informant and Md. Matloob Rab, the learned A.P.P. for the State.

The petitioners seek bail in connection with Kochas P.S.Case No.388 of 2022, F.I.R. dated 30.11.2022 registered for the offence punishable under Section 341,323,307,504,506,34 of IPC and Section 27 of the Arms Act and later on Section 302 of the Indian Penal Code was added.

The prosecution case, in brief, is that the informant alleged that on 29.11.2022 all the FIR named accused persons including the petitioner and four unknown persons having lathi,



danda and deshi katta in their hands and on instruction of Sudhakar Singh, all the persons started assaulting the informant, his elder brother, his wife and his son and at the same time the Sala of Sudhakar Singh, Shivji Singh, opened fire by Katta due to which the left hand of informant got injured. It is further alleged that when the nephew of the informant Ahishek Kumar, came to save him then Shivji Singh, opened fire on Abhishek Kumar, due to which he sustained injury and fell down in unconscious state.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused persons and in 2nd part, there is specific allegation against co-accused person, namely, Shivji Singh, is that he fired upon the informant as well as upon nephew of the informant. Further submits that there is no acquisition of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against both the petitioners and the police, after investigation, submitted chargesheet against the petitioners and the petitioner, namely, Mithilesh Singh @



Mithilesh Kumar is in custody since 01.12.2022. and petitioner Bimlesh Singh @ Bimlesh Kumar Singh @ Bimalesh Kumar @ Bimalesh Kumar Singh is in custody since 04.12.2022 respectively.

Learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-cum-Sub Judge-V, Sasaram, Rohtas in connection with Kochas P.S. Case No.388 of 2022, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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