

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14767 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- RAHIKA District- Madhubani

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DINKAR SINGH Son of Anjani Singh Resident of Village - Kapariya, P.s.-
Khajauli, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 09-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Rahika P.S. Case No.
105 of 2021, corresponding in G.R. No. 1367 of 2021 registered
under Sections 341, 323, 307, 379, 356 and 34 of the Indian Penal
Code and Section 27 of Arms Act.

It is alleged that the informant and his friend were moving on
a motorcycle, when three persons came on another motorcycle and
snatched the mobile phone of the informant's friend. Upon chase, it
is alleged that the person sitting in the middle on the motorcycle, has
fired upon the petitioner.



Learned counsel for the petitioner submits that F.I.R is against unknown persons. There is no cogent material in the investigation to suggest that the petitioner has fired upon the informant. In fact recovery of the mobile phone is from co-accused Madhav Kumar Singh who has been allowed bail in Cr. Misc. No. 65668/2021. The petitioner's implication in this case is solely based on his alleged confessional statement. The petitioner has one antecedent in Khajauli P.S Case No. 153 of 2021 for the offenses under the Arms Act, in which he is on bail since before. In the instant case the petitioner is in custody since 22.08.2021.

Learned APP has opposed the prayer for bail. It is submitted that in the investigation, petitioner has confessed to firing upon the informant.

Considering the rival submissions, nature of material emerging in the investigation, fact that FIR is lodged against unknown persons, petitioner's period of custody, as also the fact that co-accused has been allowed bail, this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhubani in Rahika P.S. Case No. 105 of 2021, corresponding in G.R. No. 1367 of 2021, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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