

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19278 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- KHAGARIA District- Khagaria

Nagmani Singh, son of Late Bhuneshwar Singh, resident of Village- Uttari Bhadas, P.S. Muffasil, Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Khagaria Muffasil P.S. Case No. 65 of 2022, registered for the alleged offences under Sections 447, 373/34, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the petitioner and other co-accused persons is that they indiscriminately fired upon the house of the informant, but none received any injury. The occurrence took place in the background of fact that the petitioner and other co-accused persons were convicted in a case of murder of the husband and the son of the informant.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is not believable that indiscriminate firing was made but no one received any injury. There has not been any recovery of empty cartridge from the place of occurrence. Moreover, for an occurrence dated 17.01.2022, the FIR has been registered only on 21.01.2022 and there is no explanation for the delay. The similarly placed co-accused Chandramani Singh has been granted bail by a Coordinate Bench of this Court vide order dated 13.05.2022 passed in Cr. Misc. No.15208 of 2022. The petitioner is in custody since 02.12.2022 and the charge sheet has been submitted.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner is having criminal antecedent of two cases.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation with distinct lack of material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner as well as submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the



like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria Muffasil P.S. Case No. 65 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

