

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26457 of 2023

Arising Out of PS. Case No.-787 Year-2022 Thana- MANER District- Patna

Bijay Singh @ Vijay Singh Son Of Late Yugal Singh @ Jugal Singh Village
-BALUA P.S Maner District Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Upendra Mishra, Advocate

For the Opposite Party : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Maner P.S. Case No. 787 of 2022 dated 20.03.2023, instituted for the offences punishable under Sections 457, 380, 341, 504 and 34 of the Indian penal Code and 25(1-b)a, 26, 35 and 27 of the Arms Act.

3. The prosecution case, in short, is that theft has been committed in informant's house on 29.10.2022, at about 2:00 am. It is further alleged that on 01.11.2022, petitioner's son has thrown an empty box, based on which informant alleged petitioner's son of being the thief and it cause a rage in petitioner and he along with his family members (co-accused) started firing on informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that only an empty box was thrown by the petitioner's son and he could not say anything regarding any valuable material kept in the box, hence, the allegation is unbelievable and shows their *malafide* intention. It is further submitted that the petitioner is the neighbor of the informant. Further, it is submitted that nothing has been recovered from the conscious possession of the petitioner. Lastly, it has been submitted that the petitioner is in custody since 02.11.2022 has two cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. at Danapur, in Maner P.S. Case No. 787 of 2022 subject to the following conditions:-

i. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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