

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25210 of 2023

Arising Out of PS. Case No.-332 Year-2022 Thana- CHIRAIYA District- East Champaran

MANKESHWAR SINGH @ MANGESHWAR SINGH @
MANGKESHWAR SINGH Son of Late Bhikham Singh Resident of village-
Ahiraulia, Police Station-Chiraiya, District-East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-06-2023 The present petition is by way of third attempt at the

behest of the petitioner for grant of regular bail in connection
with Sessions Trial No. 1036 of 2022, arising out of Chiraiya
P.S. Case No. 332 of 2022 under Sections 341, 323, 325, 307,
447, 379, 504, 506, 34 of the Indian Penal Code, inasmuch as all
the earlier petitions filed by the petitioner for grant of bail have
stood rejected.

The allegation is regarding some altercation having
taken place in between the grandson of the informant with one,
Rajiv Ranjan, whereafter, the grandson of the informant and the
said, Rajiv Ranjan had gone to their respective houses, however,
at around 9:00 p.m. on 17.07.2022, eight accused persons
including the petitioner herein had arrived at the door of the
house of the informant, variously armed and as far as the
petitioner is concerned, he is alleged to have assaulted the son of



the informant, namely, Abhimanyu Kumar Singh with iron rod on his head, resulting in him sustaining serious injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 21.07.2022. The learned counsel for the petitioner has further submitted that the injury, sustained by the injured person, attributable to the petitioner herein, is not on vital part and moreover, a single blow has been alleged to have been inflicted, hence, the petitioner be granted the privilege of bail. It is also submitted that this Court, by an order dated 4.2.2023, passed in Criminal Miscellaneous No. 57675 of 2022, has granted liberty to the petitioner to renew his prayer for bail immediately after framing of charges. The learned counsel for the petitioner has also submitted that the petitioner had also filed a petition earlier for grant of bail, bearing Criminal Miscellaneous No. 14662 of 2023, however, since the petitioner had directly approached this Court, after passing of the aforesaid order dated 4.2.2023, by this Court, the petitioner had sought liberty to approach the learned Trial Court for grant of regular bail, nonetheless, the learned Trial Court has without any application of mind rejected his prayer for grant of bail by the impugned order dated 23.3.2023.



Per contra, though the learned APP for the State has vehemently opposed the prayer for bail, but he has not disputed the fact that the petitioner was granted liberty to approach this Court for renewal of his payer for bail after framing of charges, which have already stood framed on 8.2.2023.

I have heard the learned counsel for the parties and perused the materials on record from which it is apparent that the impugned order dated 23.3.2023, passed by the learned Court of Additional District Judge-21, Motihari, East Champaran, smacks of non-application of mind and has been passed mechanically, which has unnecessarily burdened this Court. Nonetheless, now coming to the merits of the case, this Court finds that the petitioner has been suitably punished, inasmuch as he has already been in custody for a period of about one year, hence, considering the fact that the injury, sustained by the injured person, attributable to the petitioner herein, is not on vital part and moreover, a single blow has been alleged to have been inflicted, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees



ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-21, Motihari, East Champaran, in connection with Sessions Trial No. 1036 of 2022, arising out of Chiraiya P.S.Case No. 332 of 2022.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

