

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26005 of 2023**

Arising Out of PS. Case No.-26 Year-2017 Thana- UPHARA District- Aurangabad

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MANOJ SINGH @ MANOJ KUMAR SINGH S/O LATE RAJESHWAR  
SINGH Resident of Village- Khajoori, P.S.- Karpi, District- Arwal (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Lakshmi Kant Sharma, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      19-07-2023                      Heard Mr. Rama Kant Sharma, learned senior counsel  
for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Uphara  
P.S. Case No. 26 of 2017 registered for the offence under Sections  
147, 148, 149, 302, 341, 323, 324, 326, 307 and 506 of the Indian  
Penal Code and Section 27 of the Arms Act.

The petitioner along with his associates alleged to have  
assaulted the informant and his brother by knife due to which the  
brother of the informant died during course of treatment.

Learned senior counsel appearing for the petitioner  
submits that the petitioner is innocent and has falsely been  
implicated in this case merely on the ground that the petitioner  
happens to be the nephew of the co-accused, Vishnudeo Singh  
against whom a land dispute was going on with the informant. He



further submits that from bare perusal of the F.I.R. it appears that there is general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. He further submits that the original charge-sheet No. 42 of 2017 dated 12.09.2017 was submitted by the police against three accused persons namely, Meghnath Singh, Nishant @ Nishu and Amit Singh @ Avinash Singh keeping the investigation alive with respect to other accused person including the petitioner. However, the learned Magistrate has also taken cognizance against the petitioner even when the investigation was pending against him. He further submits that being aggrieved by the order taking cognizance, the petitioner filed criminal revision before the learned Sessions Judge, Aurangabad and after hearing the parties and considering the materials available on record, the order taking cognizance was set aside. He further submits that other co-accused persons, Bishnu Dutt Singh @ Bishnudeo Singh, Meghnath Singh and Anand @ Guddu Singh @ Anand Kumar against whom allegation of assault is attributed have been allowed bail by different co-ordinate Benches of this Court vide order dated 30.01.2019, 01.12.2017 and 13.06.2018 passed in Cr. Misc. No. 48011 of 2018, Cr. Misc. No. 51985 of 2017 and Cr. Misc. No. 32383 of 2018 respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody



since 17.03.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. and he has actively participated in the alleged occurrence. He further submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Daudnagar, Aurangabad in connection with Uphara P.S. Case No.26 of 2017 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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