

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33314 of 2023

Arising Out of PS. Case No.-252 Year-2018 Thana- WARISLIGANJ District- Nawada

1. KUNDAN SINGH Son of Sri Mithilesh Singh Resident of village - Daulatpur, P.S.- Warisaliganj, District - Nawada
2. Mantu Singh Son of Raj Narayan Singh Resident of village - Daulatpur, P.S.- Warisaliganj, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-11-2023 Heard learned counsel for the petitioners and learned APP for the State and learned counsel for the informant.

2. The petitioners have prayed for bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, the younger brother of the informant namely, Vivek Singh@ Vivekanand Kumar was surrounded by the accused persons and was also assaulted and fired at by many of the accused persons who have been named in the F.I.R.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. The allegation of firing against co-accused Guddu Kumar, Subodh and Mukesh. From perusal of the F.I.R. it appears that there is general



and omnibus allegation against the petitioners and at best they are the members of mob. There is no eye witness of the alleged occurrence and there is admitted land dispute between the parties. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The other co-accused namely Inardev Singh @ Indradev Singh has already been granted bail by another co-ordinate Bench of this Court vide order dated 20.04.2022 passed in Cr. Misc. No. 59099 of 2021. Petitioners are languishing in judicial custody since 27.01.2023 and 12.02.2023 respectively.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Warisaliganj P.S. Case No.252 of 2018.

(Sunil Kumar Panwar, J)

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