

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40972 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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UPENDRA SINGH Son of late Nagendra Singh Resident of Village -
Khulasa, P.s.- Jamo Bazar, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Mukesh Kant
For the Opposite Party/s	:	Mr. Devendra Kumar Pasu Pd
		Mr. Lalan Kumar
For the Informant/s	:	Mr. Raju Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 24-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with G.B.
Nagar P.S. Case No. 148 of 2022 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 307, 427, 504,
387, 506 of the Indian Penal Code and Under Section 27 of Arms
Act.

As per prosecution case, it is alleged that petitioner and
others carrying country made pistol in their hands came at the brick
kiln. It is further alleged that for extortion money one co-accused
Hirdyanand Singh ordered to shoot everyone then on that order



petitioner and other co-accused persons started firing due to which informant and others persons sustained gun shot injury. It is further alleged that four motorcycles, one JCB and two tractors were also damaged due to firing and one trolley of tractor was taken away by the co-accused persons.

Learned counsel for the petitioner submits that petitioner is in custody since 15.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no specific overt-act of firing attributed against the petitioner. Allegation against the petitioner is general and omnibus in nature. He further submits that petitioner is quite innocent and committed no offence as alleged in the FIR. He further submits that co-accused Anil Kumar Singh and Kamta Prasad Singh, Pinku Singh, Nilesh Kumar Singh, Bhanu Pratap Singh have already been granted anticipatory bail vide Cr. Misc No. 41208 of 2022 and Cr. Misc. No. 42390 of 2022 by a co-ordinate Bench of this Court and the case of present petitioner stands on better footing as he is in custody.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused on similar allegation have already been granted anticipatory bail, keeping in view clean antecedent of



petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Siwan in connection with G.B. Nagar P.S. Case No. 148 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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