

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55797 of 2022**

Arising Out of PS. Case No.-67 Year-2021 Thana- BENIPATTI District- Madhubani

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UMESH SINGH @ BIDEO SINGH S/O LATE MAHANTH SINGH  
Resident of village- Mahamadpur, P.S.- Benipatti, District- Madhubani, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kanchan Kumar Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      09-02-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case, he is in custody since 05.07.2022 and the informant alleges that on 29.03.2021 at about 1.00 P.M. from a distance of 100-150 meter towards northern direction of the house of Rudra Narayan Das, he heard sound of firing and *hulla* of people, thus, ran towards that direction and reached near the house of Rudra Narayan Das from where he saw Musafir Singh, Bhav Narayan Jha and Ghanshyam Jha giving



orders to the accused persons to kill upon which Praveen Jha and Navin Jha shot at his nephew, Rana Pratap Singh, who fell down and thereafter, accused Shiveshwar Bharti @ Ful Babu tore the stomach of Rana Pratap Singh with *bhujali*. It is next alleged that Chandan Jha, Kaushik Singh, Baban Singh, Munna Singh and Jhunna Singh fired indiscriminately with their individual pistol at his nephew namely, Birendra Singh @ Biru Singh, who was badly injured. It is further alleged that Bhola Singh, Kamlesh Singh, Manoj Jha, Surjeet Singh and Vivek Kumar Singh @ Vimlesh Kumar Singh @ Vimlesh Singh fired individually upon his nephew namely, Ranvijay Singh and also assaulted him with iron pipe on account of which, he sustained injury and he died on the spot. It is further alleged that Amarjeet Jha, Ashok Singh, Manoj Singh, Umesh Singh and Mukesh Safi fired individually with their pistols on his nephew Amrendra Singh and also assaulted him with iron pipe on account of which, he also sustained injury. Thereafter, it is alleged that Sujay Safi, Prashant Jha, Vishwajeet Kumar, Anant Choudhary and Ankit Jha assaulted his son namely Manoj Singh with pistol, iron rod and iron pipe on account of which, he received injuries. Thereafter, the injured were brought to Benipatti hospital and all were referred to the D.M.C.H. where during treatment Biru Singh died. Further, it is alleged that two persons had already died at



the spot. Thereafter, it is alleged that the informant came to know that other co-accused persons namely, Rajesh Kumar Jha, Shobha Kant Mehta, Rishikesh Jha @ Raja, Abhishek Kumar Jha, Devendra Nath Thakur and Sunaina Devi had also assembled at the house of his co-villager Ashok Singh and planned a conspiracy and thereafter, the present occurrence was committed.

Learned counsel for the petitioner submits that no doubt from perusal of the allegations as alleged in the FIR it would manifest that this petitioner along with Amarjit, Ashok, Mukesh Safi and Manoj Singh are alleged to have assaulted Amrendra Singh with pistol and iron pipe as a result of which he sustained injury and died during the course of treatment. Learned counsel next submits that petitioner has been falsely implicated in the present case and the informant does not appear to be a probable eyewitness as has been recorded in the order dated 07.07.2022 in Cr. Misc. No. 51745 of 2021. It is also submitted that Manoj Singh, who is also alleged to have assaulted Amrendra, has been granted bail by order dated 25.04.2022 in Cr. Misc. No. 57617 of 2021 by a co-ordinate Bench of this Court and the petitioner is also similarly situated like Manoj Singh, as the grandson of the informant has also not named the petitioner in his statement recorded at paragraph '387' of the case diary.



Learned A.P.P. for the State opposes the prayer for bail of the petitioner but is not able to rebut the submission of the learned counsel for the petitioner that petitioner is similarly situated like Manoj Singh who has been granted bail by order dated 25.04.2022 in Cr. Misc. No. 57617 of 2021.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above named is directed to 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 the learned court below where the case is pending/successor court in connection with Benipatti P.S. Case No. 67 of 2021

Further, if the learned trial court comes to a conclusion that the petitioner, after his release, is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel his bail bonds after recording reasons.

**(Satyavrat Verma, J)**

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