

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61858 of 2023

Arising Out of PS. Case No.-321 Year-2023 Thana- FATUA District- Patna

MUKKU SINGH @ BIJAY Son of Jhunni Singh R/o vill - Janardhanpur, P.S.
- Fatuha, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Rajdeep, Advocate
		Ms. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 10.05.2023 in connection with Fatuha P.S. Case No. 321 of 2023, F.I.R. dated 01.05.2023 for the offences punishable under Sections 323, 341, 302, 120(B), 504/34 of the Indian Penal Code and 27 of Arms Act.

3. According to prosecution case, the informant alleges that when he left his shop for some work then the accused persons and unknown persons came and assaulted the informant's brother on account of him asking for money for the goods.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that in fact the petitioner is named in the FIR but from a bare perusal of the FIR it appears that there is no accusation of any assault or overt act attributed against the petitioner and the allegation against the petitioner is that he had opened fire in the air and the allegation against the co-accused persons namely Sonu Kumar, Pintu Kumar and Ajay Singh that they have fired upon the informant's brother and there is no acquisition against the petitioner that he has fired upon the informant's brother. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 10.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned J.M. 1st class, Patna City in connection with Fatuha P.S. Case No. 321 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

Adnan/-

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