

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58979 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- UCHKAGAON District- Gopalganj

1. Mantu Singh Son Of Mundrika Singh @ Mudrika Singh Resident Of Village - Narkatiya, Police Station - Uchakagaon, District - Gopalganj.
2. Sunil Kumar Singh @ Golden Singh @ Sunil Singh Son Of Mundrika Singh @ Mudrika Singh Resident Of Village - Narkatiya, Police Station - Uchakagaon, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh Mr. Lokesh Kumar Singh
For the Opposite Party/s	:	Mr. Nand Kishore Prasad
For Informant	:	Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 27-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Uchakagaon P.S. Case No. 140 of 2021, registered for the offences punishable under Sections 341, 323, 447, 307, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is that on 08.05.2021 at about 08:00 P.M., the informant and his brother went to attend the *barat* of the daughter of Late



Dan Singh and when they were serving to *baratis*, Rajan Singh came there and scolded the informant for serving excess rice, on which an altercation took place between them. Later, the petitioners and their associates came at the house of the informant and fired gun at the chest of the uncle of the informant due to which he died. Allegation of firing on other family members of the informant is also there.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. He further submits that the specific allegation against petitioners Mantu Singh and Golden Singh @ Sunil Kumar Singh is that they have assaulted the victim Rahul Singh and Rishu Singh by firearm but as per the injury report the alleged victim Rahul Singh and Rishu Singh have sustained simple injuries on thigh. He also submits that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed till date.

He further submits that the petitioners have been



languishing in jail since 19.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have moved this Court earlier for anticipatory bail vide Cr. Misc. No. 16042 of 2022.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Uchakagaon P.S. Case No. 140 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when



required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.



Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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