

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60975 of 2022**

Arising Out of PS. Case No.-236 Year-2020 Thana- MANIHARI District- Katihar

BISHWAJEET SINGH @ VISHWAJIT KUMAR SINGH @ VISHWAJIT KUMAR @ VISHWAJIT KUMA SINGH Son of Shambhu Singh @ Shambhu Nath Singh, Resident - Nawabganj, P.S.- Manihari, District - Katihar, Bihar - 854113

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Prabhakar, Advocate
Mr. Abhijeet Abhigyan, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 24-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Manihari P.S. Case No.236 of 2020, registered for the offences punishable under Sections 447, 326, 324, 307, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation, according to the informant, is that on 04.08.2020, at about 4 pm, in the evening, the informant along with his brother Furkan Hussain were going towards Baulia Gumtee and when they reached at the tea shop at about 4.30 pm and were sitting there, the



accused persons including the petitioner herein had arrived there variously armed, whereafter, they had entered the tea shop and had fired gun shot indiscriminately upon the elder brother of the informant, namely, Md. Furkan Hussain, resulting in his subsequent death during the course of treatment. It is also alleged that the informant was also injured in the said incident.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 11.03.2022. Learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioner is concerned, he has not been specifically alleged to have fired any gun shot on the elder brother of the informant, hence, he is not having any complicity in the matter.

Per contra, the learned APP for the



State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-V, District- Katihar in connection with S.T. No.372 of 2022 arising out of Manihari P.S. Case No.236 of 2020.

(Mohit Kumar Shah, J)

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