

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63761 of 2022

Arising Out of PS. Case No.-331 Year-2018 Thana- BIDUPUR District- Vaishali

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MUKESH SINGH @ KAJU SINGH Son of Maheshwar Singh Resident of
Village - Chaichar, P.S.- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(APP)

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.03.2022 in connection with Bidupur P.S. Case No. 331 of
2018 (S.T. No. 65 of 2019), F.I.R. dated 24.08.2018 for the
offences punishable under Sections 341, 323, 324, 307, 379,
504, 506 and 302 of the Indian Penal Code.

According to prosecution case, five F.I.R. named
accused persons including the petitioner herein are alleged to
have come variously armed with iron rod, lathi and farsa and
assaulted the informant and his brother, due to which the
informant and his brother sustained injuries. The brother of the
informant had sustained injuries on his ear and he died in course
of treatment.



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 bare perusal of F.I.R. it transpired that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt-act is attributed against the petitioner. He further submits that similarly situated, co-accused, namely, Sanjay Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2020 passed in Cr. Misc. No. 23340 of 2020, another co-accused namely, Abhimanyu Singh @ Abhimanyu Kumar @ Abhimanyu has been granted bail by a co-ordinate Bench of this Court vide order dated 02.11.2020 passed in Cr. Misc. No. 23233 of 2020 and another co-accused persons namely, Rina Devi and Ram Dulari Devi have been granted bail by a co-ordinate Bench of this Court vide order dated 06.10.2020 passed in Cr. Misc. No. 10858 of 2020. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 24.03.2022.

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



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 Chief Judicial Magistrate, Vaishali, Hajipur in connection with Bidupur P.S. Case No. 331 of 2018, 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)

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