

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3361 of 2023

Arising Out of PS. Case No.-439 Year-2021 Thana- MANJHI District- Saran

ABHIRAJ SINGH S/O Munna Singh @ Mithlesh Singh R/O Village-
Mubarakpur, P.S- Manjhi, District- Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
13.05.2022 in connection with Manjhi P.S. Case No. 439 of
2021, F.I.R. dated 07.12.2021 for the offences punishable under
Sections 307/34 of the Indian Penal Code and later on Section
302/34 added and Section 27 of the Arms Act.

According to prosecution case, while the father of
informant was sleeping at his poultry farm, six named accused
persons including petitioner variously armed came there and
asked from informant's father about whereabouts of the
informant and in the meantime one Arbind Kumar Yadav shot
by gun on the stomach of his father. On hearing of sound the
informant and others rushed there then accused persons fled



away and as a result of which he died.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no allegation of any assault or overt-act is attributed against the petitioner rather there is specific allegation against co-accused namely, Arbind Kumar Yadav who fired on the stomach of father of the informant and at best the petitioner is a member of mob. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 13.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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 A.D.J.-XII, Saran at Chhapra in connection with Sessions Trial No. 285 of 2022 (arising out of Manjhi P.S. Case No. 439 of 2021), 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)

mdrashid/-

U		T	
---	--	---	--

