

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73114 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- AGIAON District- Bhojpur

Chiku Singh @ Anshuman Singh, S/o Late Kanhaiya Singh R/o village-
Barap, P.S.- Agiaon (G), Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-02-2023 This case is listed for hearing out of turn on

account of mentioning that wife of the petitioner is expecting

child within two weeks.

Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Agiaon

(Grahani) P. S. Case No. 140 of 2021, registered for the

offences punishable under Sections 341, 323, 290, 337,

338, 307, 504, 506 and 34 of the Indian Penal Code and

Section 27 of the Arms Act, 1959.

The prosecution case as emerges from the FIR is

that the informant got information that Chandrashekhar



Singh and Vishu Shankar Pandey, who were the candidates of Mukhiya, are fighting with each other. On information, the informant proceeded to the place of occurrence and saw that members of both groups were doing firing at each other. On seeing the police party, the members of the group fled away, but police arrested Chandrashekhar Singh and Vishu Shankar Pandey on spot and also recovered cartridges of 7.65 mm and one empty cartridge of 9 mm.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the only allegation against the petitioner is that he was a member of an unlawful assembly and firing. However, no one is injured in the alleged firing. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 20.10.2022.

It has also been stated in paragraph no. 3 of the



bail petition that the petitioner has earlier been made accused in four other cases and in all these cases, he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for grant of anticipatory bail *vide* Cr. Misc. No. 53424 of 2022.

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

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M. wst, Bhojpur at Ara, in connection with Agiaon (Grahani) P. S. Case No. 140 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner 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 him 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 petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 bonds of the petitioner.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting



satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

Ld. counsel for the petitioner 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)

skm/-

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