

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74885 of 2022

Arising Out of PS. Case No.-145 Year-2020 Thana- SARSI District- Purnia

MITHU SINGH Son of Bharat Singh Resident of Ward No.-10, Sarsi, Sasri
Istamrar Milik, P.S.- Sarsi, District- Purnea (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
14.01.2022, in connection with Sarsi P.S. Case No. 145 of 2020,
F.I.R. dated 07.11.2020 registered for the offences punishable
under Sections 147, 148, 149, 323, 302, 120B of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 07.11.2020
while the informant along with his elder brother Beni Singh was
going towards the polling centre, Lacy Singh warned them since
they were canvassing for lal tern symbol and also threatened to
kill them. It is further alleged that at around 02:00 P.M. four to
five armed criminals came on a motorcycle and started firing
whereupon the other persons including the informant started



fleeing away in order to save their lives and while fleeing, Beni Singh fell down, thereafter, the accused persons assaulted him with lathi and danda and then fired upon him. The informant identified the criminals and disclosed their names as Punkesh Singh, Shyamal Singh, Kangna Singh, Mithu Singh and Marconi Singh @ Fauji.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and the allegation is that they have assaulted the deceased with lathi and danda and thereafter fired upon him. He further submits that there is no specific allegation of any assault or overt act against the petitioner and the postmortem report does not support the allegation as alleged in the F.I.R. He further submits that similarly situated co-accused persons namely Kamdev Prasad Singh and Punkesh Singh have been granted bail by a Coordinate Bench of this Court vide orders dated 18.05.2022 passed in Cr. Misc. No. 56767 of 2021 and Cr. Misc. No. 59173 of 2021, another co-accused person namely Keshav Kumar Jha has been granted bail by a Coordinate Bench of this Court vide order dated 17.10.2022 passed in Cr. Misc.



No. 41724 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.01.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one in which the petitioner is on bail in one case.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Purnea in connection with Sarsi P.S. Case No. 145 of 2020, 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 witness, 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 antecedents, 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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