

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10154 of 2024

Arising Out of PS. Case No.-170 Year-2022 Thana- PHENHARA District- East Champaran

MADHURENDRA SINGH @ FUNNU SINGH S/o Lalit Singh R/V-
Ibrahampur Parsauni, P.S.-Phenhara/Fenhara, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Phenhara/Fenhara P.S. Case No.170 of 2022 lodged under
Sections 341, 323, 354b, 307, 448, 506 and 34 of the I.P.C. read
with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons including the
petitioner against whom there is specific allegation that he has
tried to outrage the modesty of the informant and subsequently,
upon oppose by the informant and her daughter, he made gun
shot due to which injury took place.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits



that there is love affairs between the petitioner and the informant and due to some reasons, the dispute has arisen between them and one case has been filed against the present petitioner in which he is on bail, and thereafter, another case has been filed which is present one.

5. Counsel for the petitioner submits that the petitioner is in custody since 11.10.2023 having two criminal antecedent in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation against the petitioner about commission of crime and it has been supported in the case diary also.

7. Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge, charge has not been framed till date. It also transpires from the case diary that the attachment order was passed only when he become appear.

8. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

9. However, liberty is hereby granted to the petitioner



that he may renew his prayer for bail 6 months after framing of charge.

10. Counsel for the petitioner submits that the *pairwikar* has informed him that the petitioner is suffering from HIV positive.

11. As such, trial court is directed to instruct the jail authority to verify the statement submitted by the counsel for the petitioner before this Court and if it has been found that the petitioner is HIV positive, then the jail authority shall make separate arrangement for the petitioner.

(Dr. Anshuman, J.)

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