

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21260 of 2024

Arising Out of PS. Case No.-180 Year-1987 Thana- BRAHMPUR District- Buxar

1. Surendra Mohan Singh S/O- Late Radha Mohan Singh R/O- Village- Brahmpur, P.S.- Brahmpur, Dist.- Buxar.
2. Shambhu Singh S/O- Late Surya Dayal Singh R/O- Village- Brahmpur, P.S.- Brahmpur, Dist.- Buxar.
3. Shiv Pratap Singh @ Kaku Singh S/O- Late Kanhaiya Singh R/O- Village- Brahmpur, P.S.- Brahmpur, Dist.- Buxar.
4. Jitendra Chaurasiya S/O- Late Shiv Narayan Chaurasiya R/O- Village- Brahmpur, P.S.- Brahmpur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Brahmpur P.S. Case No. 180 of 1987, instituted for the offences punishable under Sections 147, 148, 149, 114, 324, 326, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, while the informant along with others was sitting at his *baithka*, the accused persons, variously armed, started indiscriminate firing due to which the informant and his associate sustained gun shot



injury. The associate of the informant later succumbed to the injury.

4. Learned counsel for the petitioners submits that the present case is misuse of bail. Learned counsel for the petitioners submits that vide order dated 01.08.2006 passed in Cr. Misc. No. 56118 of 2006, the petitioners were granted bail by this Court. Learned counsel for the submits that the petitioners appeared before the learned trial Court physically or through their counsel on each and every date during the course of trial. The petitioners filed a representative petition under Section 317 of the Cr.P.C. but the same was rejected and their bail bonds have been cancelled and non-bailable warrant were issued against them by the trial Court on 04.01.2024. On 16.01.2024, the petitioners filed surrender-cum-bail petition before the trial Court but the same was rejected and the petitioners were taken into custody. The petitioners undertake to cooperate in the trial and shall remain present on each and every date fixed in by the trial Court.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, taking into account undertaking given by the



petitioners and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Brahmpur P.S. Case No. 180 of 1987 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioner shall appear on each and every date fixed at the trial and shall cooperate in the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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