

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27713 of 2024

Arising Out of PS. Case No.-847 Year-2023 Thana- MASAUDHI District- Patna

Chandra Shekhar Singh @ Shashi Shekhar Singh S/o- Late Krishna Singh
Resident of Village Doripar P.S. Masaurhi, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra, Advocate
For the State	:	Ms. Rina Sinha, APP
For the Informant	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 26-07-2024 Heard learned counsels for the petitioner as also the

State and the informant.

2. The petitioner is in judicial custody in connection with Masaurhi P.S. Case No. 847 of 2023 for the offence punishable under sections 341, 323, 504, 307, 506/34 of the Indian Penal Code and section 27 of Arms Act lodged on 05.12.2023 by the informant, Manish Kumar.

3. As per the prosecution story, the informant alleged that the three sons of the petitioner surrounded him and upon opposition, they flashed the pistol and after threatening that he will be killed, the allegation is that this petitioner opened fire which followed another shot by Aman Kumar while Suman Kumar tried to use his belt. As the villagers assembled, the accused escaped. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the entire prosecution story would show that the three sons of the petitioner were alleged to have surrounded and



flashed the pistol to kill but suddenly, invariably or deliberately instead of incorporating the name of one of the sons of petitioner, he was assigned the role of opening fire. He submits that the FIR itself is contradictory if it is read properly. Further submission is that injuries have been found to be simple in nature and he do not have criminal antecedent.

5. Learned counsel for the informant opposes the prayer for bail submitting that during investigation, some of the witnesses too have supported the prosecution story and the role of this petitioner.

6. A perusal of the FIR would show that the allegation is mainly against the three sons of the petitioner and most of the column shows that they surrounded and tried to take the informant away and upon his protest, they flashed their pistols. Later, without naming him as accused in the upper part, the role has been assigned to him, the petitioner is in custody since 04.02.2024 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, Masaurhi, in connection with Masaurhi P.S. Case No. 847 of



2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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