

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35937 of 2024

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

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Mohanish Markoni @ Markoni Singh @ Fauji Son of Ramrekha Singh
Resident of Village- Guagachhi, P.S- Amdabad , Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr. Advocate
	Mr. Saket Tiwary, Advocate
	Mr. Animesh Gupta, Advocate
	Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :	Ms. Meena Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-06-2024 Heard learned counsel for the parties.

2. Petitioner seeks regular bail in connection with Sarsi P. S. Case No. 145/2020 in a case 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.

3. As per allegation in the F.I.R., on 7.11.2020 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 Lalit symbol and also threatened to kill them. It is further alleged that at around 2pm, 4-5 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, Shymal Singh, Kangna Singh, Mithu Singh and Marconi Singh @ Fauji (this petitioner).

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to political rivalry. Allegation of assault and firing is general and omnibus. There is no specific allegation of assault or overt act against the petitioner. It is next submitted that the post-mortem report does not support the prosecution case. It is further submitted that similarly situated co-accused persons, namely, Shyamal Kumar Singh, Ashish Singh, Mithu Singh have already been granted bail by co-ordinate Benches of this Hon'ble Court *vide* orders dated 27.04.2023 passed in Cr. Misc. No. 69263 of 2022, 25.04.2023 passed in Cr. Misc. No. 70134 of 2022 and 17.04.2023 passed in Cr. Misc. No. 74885 of 2022. Charge-sheet has already been submitted and petitioner is in custody since 22.12.2023. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the bail application.



6. Considering the aforesaid facts and circumstances of the case and period of custody, the bail application is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-III , Purnea in connection with Sarsi P. S. Case No. 145 of 2020, ST No. 23 of 2024, CIS No. 23 of 2024.

(Prabhat Kumar Singh, J)

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