

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76582 of 2024**

Arising Out of PS. Case No.-149 Year-2021 Thana- BIHIA District- Bhojpur

Monu Singh @ Manu Singh son of Ram Vilash Singh village- Amrai Nawada,  
Ps- Bihiyan, Dist- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Ms. Ojaswee Kumari, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      25-10-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bihiya P.S. Case No. 149 of 2021, registered on 24.04.2021, for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, the cousin of the informant was shot dead and the informant alleged that the petitioner along with co-accused persons under a conspiracy murdered him. The occurrence took place in the background of some earlier dispute.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that there was no eye-witness



to the occurrence. The allegation is only against the co-accused Himanshu Singh that the cousin of the informant went with him on the fateful day and there is no specific allegation against this petitioner. The petitioner is in custody since 31.07.2024. Learned counsel further submits that it is a case of circumstantial evidence and the chain of circumstance has not been shown to be completed. Even it is not on record that the petitioner was last seen with the deceased. Moreover, co-accused, Himanshu Singh and other similarly situated co-accused persons have been granted bail by this Court vide order dated 23.08.2022 passed in Criminal Misc. No. 63683 of 2021 with other analogous cases. The petitioner is having antecedent of one case in which he is on bail.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that it has come in the rejection order of the learned trial court that the witnesses in paragraphs 32 and 33 of the case diary have supported the prosecution case.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the murder of the cousin of the informant and further considering the period of custody of the petitioner and grant of



bail to the similarly situated co-accused persons, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Bhojpur at Ara/court concerned in connection with Bihiya P.S. Case No. 149 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

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