

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1956 of 2024

Arising Out of PS. Case No.-252 Year-2018 Thana- WARISLIGANJ District- Nawada

Mithilesh Singh Son of Raj Narayan Singh Resident of village - Daulatpur,
P.S.- Warisaliganj, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Warisaliganj P.S. Case No. 252/2018 lodged on 22.07.2018 under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against 12 named and 4-5 unknown accused persons including the present petitioner alleging therein that all the accused persons variously armed reached the house of the informant and surrounded him. The allegation of firing from a pistol is against other three accused persons other than the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Learned counsel for the petitioner further submits that from the entire reading of the FIR, the only material which comes against the present petitioner at worst is that he has surrounded the house of the petitioner but there is no occasion of act or overt-act against the present petitioner. Learned counsel further submits that out of 12 accused persons bail has been granted to 5 accused persons by different co-ordinate Benches of this Court vide Annexure -2 series (at page 20 to 38). The petitioner is in custody since 08.08.2023 and there is one criminal case pending against him.

5. Learned counsel for the State opposes the prayer for bail and submits that there is one more criminal case pending against the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nawada, in connection with Warisaliganj P.S. Case No. 252/2018, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J)

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