

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13515 of 2025

Arising Out of PS. Case No.-136 Year-2024 Thana- FESHAR District- Aurangabad

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Dadan Singh@ Dadan Kumar Singh Son of Late Vindeshwar Singh @
Vindeshwari Singh village- Beli, Ps- Fesar, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2025 Heard Mr.Aman Vishal, learned counsel for the

petitioner and Mr.Rajiv Nayan, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fesar P.S.Case No.136 of 2024,FIR dated 30.11.2024 registered for the offences punishable under Sections 126(2),115(2),352,351(2),109,3(5) of Bharatiya Nyaya Sanhita 2023 (hereinafter referred as “BNS),Section 27 of the Arms Act,Section 37 of Bihar Prohibition and Excise Act, 2016.

3. The prosecution case is based on self-recorded statement of informant namely Sumit Kumar Pandey (then sub-inspector at Fesar police station), alleging inter-alia that informant received information about fight in between two factions of a family and reached spot from where crowd



dispersed but two injured persons were intercepted namely Raju Kumar Singh @Rajesh Kumar Singh and Subodh Kumar Singh. Further, Raju Kumar Singh @Rajesh Kumar Singh disclosed that around 7:30 PM Mithun Kumar Singh came carrying firearms and fired on him for political rivalry but fled away when people gathered on sound of firing, and again on 21:30 PM Mithun's brother Subodh Kumar Singh and Manish Kumar Singh along with Dadan Kumar Singh came carrying arms and while abusing scuffled with him then informant reached. Further, Subodh Kumar Singh disclosed that persons namely Raju Kumar Singh @Rajesh Kumar Singh, Manoj Singh, Manish Singh, Vinayak Singh came near temple and while abusing assaulting him. Further, informant alleges that Subodh Singh was found inebriated condition after examination.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Although petitioner is named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault, overt-act or firing attributed against the petitioner rather there is specific allegation of firing attributed against co-accused person, namely, Mithun Kumar Singh and from a bare perusal of the FIR it appears that



on the basis of the disclosure made by co-accused person, namely, Raju Kumar Singh @ Rajesh Kumar Singh, the name of the petitioner has been transpired in the present case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no such allegation of any assault, overt act or firing attributed against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Special Judge, Excise Court, Second, Aurangabad (Bihar) in connection with Fesar P.S. Case No.136 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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