

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2119 of 2025

Arising Out of PS. Case No.-1037 Year-2023 Thana- BIHTA District- Patna

Monu Kumar @ Monu Singh S/o Bindeshwar Singh R/o Village- Bindaul,
P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected rejected vide order dated 02.08.2024 passed in Cr. Misc. No. 38690 of 2024. Subsequently, the petitioner moved before the Hon'ble Apex Court in S.L.P. (Crl.) No. 12432 of 2024 which was also dismissed vide order dated 17.09.2024 with an observation that the petitioner could apply for regular bail which would be considered expeditiously.

3. The petitioner seeks bail in connection with Bihta P.S. Case No. 1037 of 2023 instituted for the offences under



Sections 147, 148, 149, 307, 504, 506 of the Arms Act.

4. As per prosecution case, the allegation against the accused persons including the petitioner is of firing with a country made pistol upon the Informant but, he escaped narrowly. Two empty cartridges were also alleged to have been recovered from the place of occurrence.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that the present case has been instituted as an act of vengeance as the brother of the petitioner had lodged a case against the Informant in Bihta bearing Bihta P.S. Case No. 937 of 2019. Both the parties are also entangled in civil dispute being Title Suit No. 37 of 2019 and the Informant has falsely implicated the petitioner in the present case. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 14.11.2024 without any rhymes or reason.



6. Learned counsel for the petitioner again submits that the co-accused namely Niraj Singh has been granted bail by this Court vide order dated 06.05.2024 passed in Cr. Misc. No. 32496 of 2024. Co-accused Vikas Kumar has also been granted bail by this Court vide order dated 28.06.2024 passed in Cr. Misc. No. 30323 of 2024.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihta P.S. Case No. 1037 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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