

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33620 of 2015

Arising Out of PS.Case No. -24 Year- 2015 Thana -MATIHANI District- BEGUSARAI

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Sunil Singh, son of Awadh Kishore Singh, Resident of Village- Chak, P.S. Matihani, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Ram Anurag Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-08-2015 Heard Shri Rama Kant Sharma, the learned senior counsel for the petitioner, Shri Akhileshwar Prasad Singh, the learned senior counsel for the informant and the learned APP.

The petitioner seeks bail in a case registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named nine persons in the FIR and made very specific allegation that Aman Anand @ Lallu, Sudarshan Raj @ Kallu and Awadh Kishore Singh made indiscriminate firing on the chest of the deceased Putul Singh @ Arvind Singh. After receiving gut shot injury Putul Singh @ Arvind Singh fled away towards the wheat field but he fell down. Thereafter, Narain Singh made firing in the temple region of the deceased Putul Singh @

Arvind Singh, Gulshan Singh and Gaurav Singh made indiscriminate firing on the deceased and thereafter this petitioner Sunil Singh is alleged to have fired, but the informant did not make any specific allegation that the firing made by Sunil Singh the petitioner, hit on which part of the body of the deceased.

Shri Rama Kant Sharma, the learned senior counsel appearing on behalf of the petitioner has submitted that the deceased got four wounds of entry on chest and neck and two wounds are wounds of exit. Of course, the petitioner is alleged to have fired, but no injuries caused to the deceased corresponding to allegations made against the petitioner.

On the other hand Shri Akhileshwar Prasad Singh, the learned senior counsel appearing on behalf of the informant has submitted that the petitioner has got criminal antecedent. There is allegation against him that he also fired and there is every chance that if the petitioner enlarged on bail he shall tamper with the evidence and delay the disposal of the trial.

Taking into consideration of the facts that in the last part of the FIR the petitioner is also alleged to have fired, but no corresponding firearm injuries is found in the body of the deceased and the petitioner is in jail since 20.02.2015, he has already remained in jail for more than six months, the petitioner

above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Matihani P.S. Case No. 24 of 2015, subject to the condition that the petitioner shall appear on each and every date during the course of trial, if the petitioner fails to appear on two consecutive dates without having any plausible reason, the trial court shall cancel the bail bond of the petitioner and the learned trial court shall also make efforts for conclusion of the trial within one year from the date of receipt of this order.

(Prabhat Kumar Jha, J.)

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