

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6654 of 2016**

Arising Out of PS.Case No. -309 Year- 2003 Thana -BARBIGHA District- SEKHPURA

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Sharban Singh Son of Late Ramji Singh, Resident of Village - Sirari P.S. -  
Sheikhpura, District - Sheikhpura.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN**  
**SHARMA**  
ORAL ORDER

2 29-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Barbigha  
P.S. Case No. 309 of 2003 registered for the offences punishable  
under Sections 341, 307 and 326/34 of the Indian Penal Code and  
Section 27 of the Arms Act.

Allegedly, co-accused Chandramouli Singh fired upon  
the informant which hit in his chest and the petitioner and co-  
accused Sanjay Singh were also with Chandramouli Singh at the  
relevant time.

Submission is of false implication and that the  
petitioner has been wrongly named, he was not present at the place  
of occurrence, there is no specific allegation against him and he is  
suffering in custody since 08.04.2015. Two co-accused persons  
namely, Sanjay Singh and Chandramauli Singh have already been

acquitted by this Court vide Judgment dated 03.09.2015 passed in Criminal Appeal No. 285 of 2010 (D.B.) and, as such, the petitioner also deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that the petitioner remained absconding since long as this is the case of year 2003.

In the facts and circumstances stated above, considering that against the petitioner there is no allegation for causing any injury and, as such, considering his detention at this stage, how he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sheikhpura in connection with Barbigha P.S. Case No. 309 of 2003 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

sushma/-

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