

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12450 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -NAYAGAON District- BEGUSARAI

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Santosh Singh, Son of Bankey Bihari Sharma, Resident of Village Jamal
Bigha, P.S. Khusroopur, Dist. Patna Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md.Arif, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
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ORAL ORDER

2 01-04-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

It has been alleged by the informant/injured that while he had gone to participate in a marriage ceremony of daughter of Jitendra Singh at village Singhpur lying within Begusarai district, an altercation took place in between the petitioner and a person who has been claimed to be friend of informant and on account thereof, informant intervened. Seeing this, petitioner shot at but the aim missed. Thereafter, petitioner's associates made second firing causing injury over chest of the informant.

On behalf of the petitioner, it has been submitted that from plain reading of the fardbeyan, it is evident that he has been falsely implicated because of the fact that informant while knowing the petitioner by name and parentage with full address since before the occurrence, did not disclose whether petitioner was also invited by aforesaid Jitendra Singh. Then in that event, presence of petitioner at the place of Jitendra Singh became

improbable and that happens to be reason behind that allegation in its twisted manner, has been incorporated that the firing made by the petitioner had missed the aim. Apart from this, it has also been submitted that had petitioner been present there, firing was made at his end, the marriage ceremony was going on, then in that event, petitioner would not have been spared by the persons, having present. So, submitted that in the aforesaid facts and circumstances, petitioner's involvement with ulterior motive, which found its best.

At the other end, the learned Additional Public Prosecutor opposed the prayer.

Considering the totality of the event, petitioner Santosh Singh is directed to be released on bail in the event of his arrest/surrender within six weeks from the date of production/receipt of the order on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge VII-cum-Additional Chief Judicial Magistrate, Begusarai in connection with Nayagaon P.S. Case No. 69 of 2015 in terms of the conditions so enumerated under Section 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J)

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