

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51888 of 2016

Arising Out of PS.Case No. -385 Year- 2015 Thana -RAJIVNAGAR District- PATNA

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1. Shivam Singh @ Niraj Singh son of Mukesh Singh @ Manjit Singh
resident of village - Nakenam Tola, Police Station - Barhara, District -
Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr. Sri Sanjay Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since
20.04.2016 in connection with Sessions Trial No. 722 (A) of 2016
(arising out of Rajiv Nagar P. S. Case No. 385 of 2015) registered
for the offence punishable under Sections 147, 148, 149, 387, 341,
323, 324, 504, 506, 307, 302, 448 and 120 (B) of the Indian Penal
Code and 27 of the Arms Act.

The prosecution case as lodged on 15.12.2015 by the
informant namely, Kishlay Singh @ Puttu Singh is that he along
with his business partners namely Dev Raj Singh@ Jaikant
(deceased), Mani Kumar Singh and others were looking after his



construction work, in the meantime, accused Niraj Singh, Sunil Singh, and others forming an unlawful assembly came there and obstructed the work. It is also alleged that on objection Niraj Singh, Manoj Rai, Sonu Singh and Jai Kant Gope started firing at them causing grievous injury to Dev Raj Singh @ Jaikant, as well as Manjeet Kumar Singh and Kishlay Singh by lathi on which Deoraj Singh @ Jaikant succumbed to death and Manjit Singh sustained injury on his person.

It has been submitted by the learned counsel for the petitioner that he is not named in the F.I.R. and it is only on the basis of confessional statement of co-accused Neelmani Singh @ Nishant before the police, he has been made accused, which has no evidentiary value in the eye of law. He also submits that other co-accused Chandan Kumar @ Nepali has also stated the involvement of the petitioner in the aforesaid occurrence but both Chandan Kumar @ Nepali and Neelmani Singh @ Nishant have already been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 35617 of 2016 dated 24.10.2016 and Cr. Misc. No.22246 of 2016 dated 24.05.2016. He submits that charge sheet has already been submitted and hence, there is no chance of tampering with the prosecution evidence.\

However, learned A.P.P. for the State submits that



although the petitioner is not named in the First Information Report but during course of investigation, his name surfaced and that the petitioner does not have a clean antecedent as he is involved in five other cases, hence opposes the prayer for bail.

Considering the submissions of the parties and that since charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- III, Patna in connection with Sessions Trial No. 722 (A) of 2016(arising out of Rajiv Nagar P.S.Case No. 385 of 2015) with a condition that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

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(Nilu Agrawal, J)

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