

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22708 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -BIHRA District- SAHARSA

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Prabhash Kumar Singh @ Ajay Singh, S/o Kameshwar Singh, Resident of
Village- Panchgachchiya, P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 13-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
12.02.2017 in connection with Bihra P.S. Case No. 26 of 2017
registered for the offence punishable under Section 307 and other
allied sections of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, as lodged by the informant, is
that while the informant along with his friend, Sanjay Kumar
Singh was going to meet Mukhiya Jee, all FIR named and 5-7
unknown miscreants on the order of accused Navin Singh opened
fire, which hit the thigh of the informant and accused Saket Singh



also opened fire which hit the leg of Sanjay Kumar Singh. Thereafter, police was informed and injured were taken to hospital for treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated in the aforesaid case due to political rivalry and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that another co-accused Saket Singh named in the First Informant Report, who caused fire arm injury on the leg of one Sanjay Kumar Singh, has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 19794 of 2017 on 02.05.2017.

However, learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail stating therein that the petitioner does not have clean antecedent and as many as eight cases are pending against him. He submits that the petitioner caused fire arm injury on the thigh of the informant and although having been found to be simple in nature, but was a serious one. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 26 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on three consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is further made clear that if in future, petitioner indulges in similar nature of offence, the prosecution will be at liberty to move before the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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