

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41035 of 2017

Arising Out of PS.Case No. -863 Year- 2016 Thana -BIHTA District- PATNA

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1. Arvind Singh @ Shyam Kishore Singh, Son of Ram Pravesh Singh,
Resident of Village-Bindaul, Police Station-Bhita, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Bihta P.S. Case
No. 863 of 2016 for offences punishable under Section 307 and
other allied Sections of the Indian Penal Code and 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that while he was sitting at the door of his house along with his
family members, the petitioner along with 13 other accused
persons started indiscriminate firing, in which a number of persons
were injured. Allegation upon the petitioner is that he hit Shobha
Singh by fire-arm.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case due to village politics and on being inimical terms with the informant's side. He submits that other co-accused, on whom similar allegations have been levelled, have been granted privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 2168 of 2017 on 31.01.2017, Cr. Misc. No. 6582 of 2017 on 01.03.2017 and Cr. Misc. No. 17883 of 2017 on 01.07.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as three cases are pending against him prior to the present case.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Addl. Chief Judicial Magistrate, Danapur, Patna, in connection with Bihta P.S. Case No. 863 of 2016, subject to the following conditions :

- (i) That one of the bailors shall be a close relative of the petitioner.



- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned court concerned.
- (iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Nilu Agrawal, J)

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