

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28567 of 2018

Arising Out of PS. Case No.-607 Year-2017 Thana- KHAZANIHAT District- Purnia

Shippy Singh @ Sippy Singh @ Sippeya S/o Shiv Shankar Singh @ Nanhe Singh resident of Village - Basant Bihar, Lalganj, P.S. - K. Hat (Maranga), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn

For the Opposite Party/s : Mr. Nityanand Tiwary

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 04.01.2018 in connection with K. Hat (Maranga) P.S. Case No. 607 of 2017 for offences punishable under Sections 307/34 of the Indian Penal Code and Sections 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he was going on a motorcycle to meet his friend, the petitioner along with another co-accused Ujjawal Singh also in a motorcycle stopped him. The petitioner and the co-accused fired on him which did not hit him and he managed to escape as local people had assembled.

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 previous enmity. He submits that no injury was caused on the informant and just because the petitioner does not have a clean antecedent, he has been made accused in the present case. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and five more cases are pending against him, some of similar nature and that the fused cartridge was found at the place of occurrence.

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 Chief Judicial Magistrate, Purnea, in connection with K. Hat (Maranga) P.S. Case No. 607 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

Rajesh/-

(Nilu Agrawal, J)

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