

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3190 of 2019

Arising Out of P.S. Case No.-113 Year-2017 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Chunchun Singh (M) aged about 26 years son of late Suresh Singh, resident
of village-Maheshwara, P.S. Nawkothe, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
02.02.2018 in connection with Sessions Trial No.478 of 2018
arising out of Nawkothe P.S.Case No.113 of 2017 for the offence
alleged under Sections 307 and 387/34 of the Indian Penal
Code.

The prosecution case as lodged by the informant is
that while his nephew Rajkumar was returning home, some
criminals fired on him which information he gave from his
mobile. Thereafter, the informant along with his brother went to
the place of occurrence and recognized co-accused Pappu
Kumar Mahto along with four other criminals fleeing away. The



injured was taken to hospital for treatment. It has been alleged that 12 days back, the informant had received letter demanding *Rangdari*.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in the aforesaid case. He further submits that chargesheet has already been submitted, petitioner is not named in the FIR and there is no allegation of tampering with the prosecution witnesses. He further submits that the petitioner has been made accused only on suspicion and the named co-accused Pappu Kumar Mahto has already been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.35179 of 2018 dated 16.08.2018. He further submits that similarly situated co-accused against whom the allegation of firing along with the petitioner has been alleged has also been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.34236 of 2018 dated 06.07.2018.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases although one under different sections is pending against him.

Considering the facts and circumstances and the



materials on record as well as the period of custody and that similarly situated co-accused has already been granted the privilege of bail by this Court, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sessions Trial No.478 of 2018 arising out of Nawkothi P.S.Case No.113 of 2017 to the satisfaction of learned Additional District Judge-V, Begusarai, subject to the following condition:-

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

(Nilu Agrawal, J)

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