

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29384 of 2019**

Arising Out of PS. Case No.-114 Year-2015 Thana- MATIHANI District- Begusarai

RAMADHAR SINGH, S/o- Late Siyaram Singh @ Gosain Jee, Resident of
Vill.- Sihma, P.S.- Matihani, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 28-08-2019 Heard learned counsels for the petitioner and the
State.

The petitioner has renewed the prayer for bail in a case registered for the offences punishable under Sections 147, 148, 149, 452 and 302 of the Indian Penal Code and 27 of the Arms Act.

The prayer for bail of the petitioner was earlier rejected vide order dated 23.01.2019 passed in Criminal Miscellaneous Case No. 72213 of 2018 in Sessions Trial No. 73 of 2019 arising out of Mathihani P.S. Case No. 114 of 2015, pending before the learned Additional Sessions Judge-XIII, Begusarai.

The prosecution case as per the fardbeyan of Dharmendra Kumar Singh recorded by S.I. of Matihani P.S. is to



the effect that on 21.07.2015, in the night while the informant was sleeping at the roof top, his sister-in-law (bhabhi) at 2.30 A.M. came and conveyed him that informant's elder brother, Jitendra Kumar Singh has not returned yet. Thereafter, the informant went out of the house to search his brother, namely, Jitendra Kumar Singh, when he saw his brother coming and both of them returned together at home and again the informant went to sleep on roof top. It is further alleged that the informant saw five persons, namely, Raj Kumar, Guddu Singh, Dilip Singh, Ranjeet Kumar and the petitioner Ramadhar Singh and 3-4 unknown armed with pistol entering into the house of the informant thereafter, they made indiscriminate firing on the brother of the informant and escaped from the scene.

It is submitted by learned counsel for the petitioner that admittedly the informant was on the roof top, hence, he could not have seen anyone firing upon his brother. Moreover, other similarly situated co-accused person, Guddu Singh has been granted bail by learned Additional Sessions Judge-I, Begusarai in B.A. No.1476 of 2015. A statement to that effect has been made in paragraph no.11 of the petition. It is further submitted that co-accused, Prince Kumar @ Prem Kumar and Raushan Kumar whose name subsequently sprang up during



investigation, as persons who resorted to fire upon the brother of the informant, have been granted bail vide order dated 09.11.2017 and 30.01.2019 passed in Criminal Miscellaneous No. 52360 of 2017 and Criminal Miscellaneous No. 79573 of 2018 respectively. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and the prayer for bail of the petitioner was earlier rejected with a liberty to renew the same after framing of the charge and now the charge has been framed vide order dated 11.03.2019.

It is submitted by learned APP for the State that there is accusation against the petitioner and other co-accused persons to have made indiscriminate firing upon the brother of the informant, as a result of which, the brother of the informant died.

Keeping in view the fact that there is omnibus and general accusation against all the accused persons that they resorted to fire upon the brother of the informant, the prayer for bail of the petitioner was earlier rejected with liberty to renew the same after framing of the charge and now the charge has been framed on 11.03.2019 and the report of the learned ADJ-VIII, Begusarai received through letter No. 115 dated



30.07.2019 reflects that no witness has been examined till date and there is no likelihood of trial being concluded in near future coupled with the fact that the petitionenr is not having any criminal antecedent, let the above named petitioner be released 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 Additional Sessions Judge-XIII, Begusarai in connection with S. T. No. 73 of 2019, arising out of Matihani P.S. Case No. 114 of 2015.

However, the learned Court below would be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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