

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38549 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Dhukhharan Singh @ Dukharan Prasad Singh aged about 60 years (M), Son of Bhagirath Prasad Singh Resident of Village - Ward No.13, Athari, near Athari Bazar, P.S.- Runisaidpur, District - Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Shama Sinha, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Runisaidpur P.S. Case No. 110 of 2019.

3. It is submitted that the petitioner has been falsely implicated and in any event, the accusation that he along with co-accused Guddu Singh gave order to kill the son of the informant is general and omnibus in nature. In the past, the petitioner had opposed the deceased during anti-reservation rally and due to blockage of road created by deceased and his men, one pregnant woman was struck on the road and while returning the deceased, said to be a veteran criminal had attacked the petitioner's house for which an FIR in Runisaidpur P.S Case No. 186 of 2018 had been lodged by the petitioner leading to arrest of the informant and his brother while the deceased was absconding. It is therefore submitted that false implication of the petitioner is writ large on the face of it. The petitioner is admittedly not the main assailant, rather he, a senior citizen and ex-serviceman with gallantry award during Kargil war, claims clean antecedents.



4. Learned APP assisted by the learned counsel for the informant opposes bail petition submitting that the petitioner is said to be one of the order givers. From the order of the learned Sessions Judge it is apparent that the deceased died as a result of injuries sustained by firearm.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Runisaidpur P.S. Case No. 110 of 2019 , subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further 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) That 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.

(Vikash Jain, J)

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