

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.149 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- SANOKHAR District- Bhagalpur

KANHAIYA SINGH Son of Rajendra Singh Resident of Village - Adalpur,
P.S.- Amdanda, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-05-2020 This case has been posted before me for hearing through video- conferencing, under the orders of Hon'ble the Chief Justice, in view of Nation passing through lockdown as an aftermath of the outbreak of COVID-19 pandemic.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case as lodged by the informant is that on 22.09.2019 one Rajesh Kumar Singh @ Pappu Singh the Mukhiya of Madarganj village Panchayat called her husband over phone to his home where other 8 FIR named accused persons were consuming wine. Suddenly sound of shooting



came and after that hulla raised that Mukhiya and his men shoot my husband. After that I and my family members rushed and saw that my husband is lying dead and all the persons by taking his body on Scorpio bearing No. BR 10PA-9895 were fleeing to get his dead body concealed. Seeing us all the persons started fleeing out of whom driver Kanhaiya Singh was caught and from his packet four empty cartridges were recovered.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. He submits that there is specific allegation upon co-accused Rajesh Kumar Singh who had called the deceased to his house. He submits that petitioner is the driver of the co-accused Rajesh Kumar Singh. He further submits that petitioner is languishing in judicial custody 24.09.2019.

Learned counsel for the State vehemently opposes the prayer for bail and submits that witnesses have supported the prosecution story and petitioner was trying to dispose of the dead body and was arrested on the spot also.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Naugachia, Bhagalpur in connection with Sanokhar (Amdanda) Police Station Case No. 129 of 2019 subject to the conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(II) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(III) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(IV) The petitioner shall co-operate 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.

(Anjani Kumar Sharan, J)

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