

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4024 of 2020

Arising Out of PS Case No.-213 Year-2019 Thana- ALAMNAGAR District- Madhepura

Botal Singh, Aged about 50 years (Male) Son of Late Raghu Singh, Resident
of Village - Kurban, P.S.- Beldour, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 04-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Praveen Kumar Agrawal, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Alamnagar PS Case No. 213 of 2019 dated 10.08.2019 instituted under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner and others is of killing the husband of the informant.

5. Learned counsel for the petitioner submitted that there is general and omnibus allegation against four persons,



including the petitioner, and the same is that he, and two other co-accused, were holding the deceased while co-accused Pintu Singh fired on the deceased. Learned counsel submitted that though the incident is said to have taken place on 07.08.2019 at 4:00 AM but the FIR was lodged after two and a half days on 09.08.2019 at about 4:00 PM, for which there is no explanation. It was further submitted that only on the confessional statement of Banarsi Singh, who is said to be having some land dispute with the deceased, and is alleged to have hired criminals, including the petitioner, to eliminate the deceased, he has been implicated. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 17.09.2019.

6. Learned APP, from the case diary, submitted that the petitioner had participated in the killing and, thus, he is equally liable. It was further submitted that the person who had hired him had also taken his name as one of the criminals engaged for committing the crime. However, on a query of the Court with regard to inordinate delay in lodging of the FIR, he fairly submitted that there is no explanation. It was further submitted that the only explanation is that the informant was not in a mental condition to get her statement recorded which resulted in delay in lodging of the FIR.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Uda-Kishunganj (Madhepura) in Alamnagar PS Case No. 213 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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