

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26261 of 2020**

Arising Out of PS. Case No.-125 Year-2018 Thana- SURYAGARHA District- Lakhisarai

BIKKY SINGH @ BIKKY KUMAR, Son of Ashok Singh, Resident of
Village- Nandpur, P.S.- Suryagarha, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 15-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by Stamp Report within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Suryagarha P.S. Case No. 125 of 2018 registered for the offences punishable under Sections 342, 323, 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Pursuant to the last order now learned counsel for the petitioner has filed the impugned order and a declaration on behalf of the petitioner under his signature that due to mistake



the actual position with regard to the cases against the petitioner as to whether he is on bail in those cases could not be stated. It is stated now that the petitioner is on bail in all the cases.

Learned counsel for the petitioner submits that from a bare reading of the First Information Report it will appear that there is a case of land dispute between the parties and the informant is claiming a piece of land through Parcha which is the bone of contention between the parties.

The allegation is that this petitioner and co-accused Sonu Singh had took out pistol from their possession and had fired upon the informant, it is alleged that one of the shot hit the right hand of the informant whereas the another firing passed away from near his Kanpatti.

Learned counsel submits that it is a case of false implication and no specific shot has been alleged against the petitioner. This petitioner is in jail since 20.11.2019 and during the period similarly situated accused Sonu Singh @ Sonu Kumar has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 17042 of 2020. A statement to this effect has been made in paragraph '15' of this application.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts



and circumstances, wherein the present case seems to have arisen totally on account of a land dispute and the petitioner has remained in jail for almost eleven months by now and the co-accused similarly situated has already been released on bail, no distinction having been drawn by learned A.P.P. between the case of the petitioner and that of the co-accused, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Suryagarha P.S. Case No. 125 of 2018, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

