

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24417 of 2020

Arising Out of PS. Case No.-238 Year-2019 Thana- KARAHGAR District- Rohtas

Tej Pratap Singh @ B.K. Singh @ Ranveer Pratap Singh, Male, aged about 35 years, Son of Rajendra Singh, Resident of Village- Panjan, P.S.- Karagahar, District- Rohtas at Sasaram (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
For the Opposite Party/s : Mr. Mithilesh Kumar Singh, Advocate
Mr. Kalyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-11-2020 Heard Mr. Rama Kant Sharma, learned senior counsel for the petitioner, Mr. Mithilesh Kumar Singh, learned counsel for the informant and Mr. Kalyan Shankar, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Karagahar P.S. Case No. 238 of 2019 registered for the offence under Section 302, 386, 34 of the I.P.C. and Section 27 of the Arms Act.

The allegation as per the First Information Report is that the petitioner along with other accused persons fired upon the informant's brother and the firing made by the co-accused C.K. Singh hit the stomach of the brother of the informant, who subsequently died.



Learned senior counsel for the petitioner submits that petitioner along with all his brothers have falsely been implicated in this case due to oblique motive. Learned counsel further submits in the 1st portion of the F.I.R. there is allegation that the petitioner exhorted other accused persons to fire upon the deceased but subsequently it has been alleged that the petitioner also fired indiscriminately. However, learned counsel referring to the post-mortem report submits that there is specific allegation of firing upon the co-accused / C.K. Singh that he fired upon the brother of the informant in his stomach and only one gun shot injury has been found in the stomach of the deceased which has been opined as the cause of death by the doctor. Learned counsel further submits that petitioner is in custody since 09.12.2019 and is having no criminal antecedent.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that from perusal of the case diary it would be evident that on the place of occurrence firing marks have been found on the wall and there is allegation against the petitioner of indiscriminate firing.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that petitioner is in custody since 09.12.2019 having no



criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular 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 Chief Judicial Magistrate, IIIrd, Rohtas at Sasaram / court concerned in connection with Karaghar P.S. Case No. 238 of 2019 subject to the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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