

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24209 of 2020

Arising Out of PS. Case No.-288 Year-2019 Thana- BALIYA District- Begusarai

LABHO SINGH Son of Late Ram Ratan Singh Resident of Village -
Fatehpur, P.S.- Ballia, District - Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kr. Thakur, Advocate and
Mr. Pravin Kumar, Advocate

For the Opposite Party : Mr. Pramod Kr. Pandey, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-09-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

The petitioner seeks bail in a case registered for the offence punishable under sections 307/34 and other ancillary sections of the Indian Penal Code and under sections 25, 26 and 35 of the Arms Act.

Prosecution's case, in brief, is that on 30.7.2019 at about 1 am the petitioner and other accused persons, armed with pistols, all named in the FIR, came to the shop of the informant and started throwing bricks on the iron gate. Accused persons also indulged in scuffle with informant's neighbour Shivji Sah demanding rangdari. Meanwhile, petitioner fired at Shivji Sah which hit shutter/iron gate of his house. When the petitioner



tried to save Shivji Sah, co-accused Dhiraj Kumar fired at him but anyhow he saved himself. The following day at 11 am, accused persons again arrived at the milk booth of the informant and pointing arms on his chest demanded return of his arms.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to enmity. Learned counsel further submits that neither any arms has been recovered from the possession of the petitioner nor any fired cartridge or pieces of bricks have been recovered from the spot. Petitioner is the co-villager. He has got no criminal antecedent and he is in custody since 2.6.2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in Balia Police Station Case No. 288 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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