

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28910 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- TARAIYA District- Saran

NARENDRA SINGH @ DEEPAK SINGH S/o Vishwanath Singh Resident of
Village-Saraiya Basant, P.S.-Taraiya, District-Saran-841401.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s :	Mr. Ashok Kumar, APP
For the Informant :	Mr. Radha Mohan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Taraiya P.S. Case No. 153 of 2020 for the offence registered under Sections 341, 323, 342, 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, Section 302 of the IPC has been added to the set of allegations.

The case of the prosecution, in brief, is that on 14.05.2020 at about 19:00 hours while the informant was



coming back to his house after closing his shop and had reached at the road situated in front of his house, the accused persons including the petitioner herein, armed with country made pistol , sword, sticks, rod etc. surrounded the informant with the intention of killing him, whereafter the petitioner is alleged to have ordered the co-accused person, namely, Pankaj Singh to kill the informant, whereupon the co-accused person namely Kuber Singh had handed over a country made pistol to Pankaj Singh and then the co-accused person Pankaj Singh had fired gun shots on the informant which had hit him on the right side of the abdomen resulting in the informant becoming injured and falling down on the ground. It is further alleged that the other accused persons had then assaulted the informant by sticks and rods.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 14.06.2020. The learned counsel for the petitioner has further submitted that the present case arises out of case and counter case and the main allegation is against the co-accused person namely Pankaj Singh who is alleged to have fired gun shots on the informant resulting in the informant having been grievously injured and



the said Pankaj Singh has been granted the privilege of bail by a coordinate Bench of this Court vide order dated 09.12.2020 passed in Criminal Misc. No. 29335 of 2020. Lastly, it is submitted that even otherwise the injuries found on the person of the informant have been opined to be simple in nature and a general and omnibus allegation has been made against the petitioner herein.

Per contra, the learned counsel for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the fact that the co-accused person who is alleged to have fired gun shots on the informant has already been granted the privilege of bail by a coordinate Bench of this Court and as far as the petitioner is concerned, there is no allegation of any sort of overt act qua him, I deem it fit and proper to direct for release of the petitioner herein on regular bail, however, subject to certain conditions in view of his criminal antecedent.

Accordingly, the petitioner, above named, is directed to be released on 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-I,
Saran at Chapra in connection with Taraiya P.S. Case No. 153
of 2020.

It is needless to state that the petitioner would mark
his attendance before the Officer In-Charge of the concerned
Police Station at 10:00 A.M. on every Monday of the week and
in the event of his failure to do so on two consecutive occasion,
the present privilege of bail shall stand cancelled automatically
and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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