

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25480 of 2020**

Arising Out of PS. Case No.-11 Year-2011 Thana- PAKRIDAYAL District- East Champaran

PAPPU SINGH Son of Late Ambika Singh Resident of Village - Sisahani,
P.S. - Pakaridayal, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

4 26-11-2020 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State. Mr. Akhileshwar Dayal has gone through the case diary and has assisted this Court.

The petitioner in the present case is seeking regular bail in connection with Pakaridayal P.S. Case No.11 of 2011 registered for the offence under Sections 302 and 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that from a bare perusal of the First Information Report it would appear that the son of the deceased is the informant in this case. He claims himself to be an eye-witness and has alleged that the several persons had surrounded him when he was returning with his father after his deposition in a trial. After surrounding them, one Pramod Sah who was armed with fire-arms shot father of the informant on his head as



a result whereof he died. This petitioner is not named in the FIR.

Learned counsel submits that in course of investigation one Ranjay Singh made a statement in paragraph '100' of the case diary wherein he said that one Ravi Kumar Singh had shot dead the father of the informant. Be that as it may, it is his submission that the petitioner was neither present at the place of occurrence, he was not seen there, he was not named in the FIR and thus he had no reason to believe that he would be brought within the purview of investigation in this case. It is only after the year 2018 a warrant of arrest was got issued against the petitioner on the basis of a confessional statement of the co-accused in which it was alleged that this petitioner had arranged for the fire-arm.

Learned counsel submits that save and except that allegation coming in the confessional statement of the co-accused, there is absolutely no other material to connect the petitioner in this case who is in custody since 06.01.2020. Learned counsel further submits that from paragraph 281 of the supplementary case diary it would appear that Pramod Sah has already been granted bail. By Annexure-2, which is an order dated 28.08.2012 passed in Cr.Misc.No.28577 of 2012, it has been shown that the co-accused Ravi Kumar Singh has also been granted bail in this case. It is then submitted that till date the trial has not begun in this case and it is not likely to be concluded in near future.

On the other hand, learned APP for the State has though



opposed the prayer for regular bail of the petitioner but he is unable to demonstrate from the case diary, any other material to show that any active role of the petitioner has been found in connection with this case. It is not denied that the step for arrest of this petitioner was taken after a long time.

Having regard to the facts and circumstances of the case, in the kind of materials which have been placed before this Court, the petitioner being not named in the FIR and no overt act has been alleged against him and further that the two cases in which the petitioner is said to be involved he has already been granted bail, in connection with this case he is in custody since January, 2020 and the trial is not likely to be concluded in near future, the co-accused against whom there were allegations of overt act have already been enlarged on bail, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Motihari, East Champaran in connection with Pakridayal P.S. Case No.11/2011, subject to the condition as laid down under Section 437 (3) 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, of 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 petitioner shall cooperate in course of trial by putting his appearance as and when the date is fixed in the matter in the trial court and two consecutive defaults in putting appearance before the trial court shall invite action for cancellation of his bail.

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 steps 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)

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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'

