

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32486 of 2020

Arising Out of PS. Case No.-134 Year-2019 Thana- HATHUA District- Gopalganj

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BIRENDRA PRATAP SINGH @ D.S. @ TIGER S/o Sri Arvind Singh
Resident of Village-Barahara, P.S.-Bhore, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 08-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by
way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four weeks
after restoration of normalcy.

Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner seeks bail in a case for the offence registered
under Section 302/34 of the Indian Penal Code and 27 of the Arms
Act.

Allegedly, the vehicle owner of the informant in the way, in
course of proceeding to attend a Shradh Karm, was encircled and
shot dead by the miscreants.

It has been submitted on behalf of the petitioner that there is



no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 01-02-2020. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is not named in the FIR. His name transpired in this case in course of investigation. The petitioner has not been put on test identification parade to ascertain his participation in the alleged occurrence. There is no recovery of any incriminating article from possession of the petitioner. Except for confessional statement of the co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, 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 Sri Rajeev Pandey, learned Judicial Magistrate-Ist Class, Gopalganj in connection with Hathua P.S. Case No. 134 of 2019.

(Sudhir Singh, J)

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