

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12070 of 2021**

Arising Out of PS. Case No.-213 Year-2019 Thana- ALAMNAGAR District- Madhepura

PINTU KUMAR @ PINTU SINGH, S/o Balram Singh @ Balram Prasad Singh, R/o village- Mahdipur Basa Kubram @ Kurban, P.S.- Beldour, District- Khagaria Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

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

3 02-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Atul Chandra, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Alam Nagar P.S. Case No. 213 of 2019 registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 04.12.2019.

Learned counsel for the petitioner submits that as per prosecution story the informant was sleeping inside the Darwaja where her husband was sleeping along with her son on his Machan at the Darwaja, on hearing the noise of her husband when the informant came out from her room she found that

some one was pressing the neck of her husband while some were forcefully pressing his legs. The informant claims to have raised alarm whereupon the miscreants fired bullet over the informant's husband and fled away. The informant claims that about 6-7 persons were there on three motorcycles, she could identify four of them. One person is this petitioner named at sl. no. 2.

Learned counsel submits that in this case the occurrence took place on 07.08.2019 and the dead body was sent for post-mortem on the same day whereafter he was cremated. The F.I.R. has been lodged after two days on 09.08.2019.

Learned counsel further submits that in the F.I.R., though this petitioner is named but there is no specific allegation against him. The similarly situated co-accused have been granted bail in Cr. Misc. No. 4024 of 2020 and Cr. Misc. No. 21415 of 2021. The petitioner has got one criminal antecedent, however, he is on bail in the said case.

Mr. Atul Chandra, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, however, considering the facts and circumstances of the case wherein the petitioner is though named in the F.I.R. but no specific overt act

has been alleged against him and the co-accused similarly situated have been granted bail by learned coordinate Benches of this Court, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Udakishunganj, Madhepura in connection with Alam Nagar P.S. Case No. 213 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

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'.