

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13275 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- BARUN District- Aurangabad

Sonu Kumar (M) aged about 23 years, S/O Ram Vijay Singh R/O Village Chapari, P.S. - Obra, District - Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 24-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Barun P.S. Case No. 206 of 2020, registered for the offence under Sections 427/302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 17.10.2020 at about 11:00 AM, while the husband of the informant alongwith Devnandan Singh, Sri Nivash Singh and Ashok Singh were returning from his Alto Car and reached near petrol pump at NH-2, this petitioner alongwith co-accused made indiscriminate firing, as a result of which, husband of the informant died.

It is submitted on behalf of petitioner that informant is not eye-witness to the occurrence and all the three witnesses, who were present at the time of occurrence alongwith deceased have not named this petitioner, as one of the accused. The statement of all the three witnesses were recorded in paragraph



10, 11 and 12 of the case diary and all of them have neither named this petitioner nor levelled any allegation against him. In fact, as per F.I.R., specific allegation of firing has been levelled against Shiv Kumar Singh, Vishal and Ram Vijay Singh. Petitioner has been falsely implicated in this case, simply because he is witness in one case i.e. Obra P.S. case No. 18 of 2019, which is pending against informant's husband (deceased) and others. Petitioner is in custody since 18.10.2020.

Learned A.P.P. for the State has opposed the bail petition and submitted that this petitioner alongwith co-accused have fired upon the deceased, as a result of which, he died.

Considering the rival submissions of the parties, materials available on record and the fact that three witnesses, who were present at the time of occurrence with deceased in the car, have not named this petitioner nor levelled any allegation against the petitioner, the bail petition of petitioner is allowed. Let the above named petitioner 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 C.J.M., Aurangabad in connection with Barun P.S. Case No. 206 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and



every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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