

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11683 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- NAUBATPUR District- Patna

PAPPU KUMAR S/O Late Julam Singh R/O Chhoti Tengerela, P.S. -
Naubatpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary
For the Opposite Party/s : Mr.Ashok Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 22-07-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard both parties.

The petitioner seeks bail in Naubatpur P.S. Case No.
93 of 2020, registered for the offence punishable under Sections
302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on alleged date of
occurrence, informant's son Rupesh Kumar was sleeping with
his relative Dipak Kumar and informant was sleeping in the
adjacent room. Informant heard some noise, thereafter, she came
out and saw that petitioner was having pistol in his hand who
pushed her down and tied her mouth by towel. Thereafter,
petitioner and co-accused Dipak fired on the head of informant's



son resulting into his death. It is further alleged that earlier also petitioner attempted to kill her son for which FIR was lodged in the year, 2017.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case because petitioner is one of the witnesses in a case in which informant's husband, her brother-in-law and informant's son (deceased) were accused and police after investigation submitted final form against the petitioner and thereafter cognizance has been taken. During course of investigation, it has come that at the time and date of occurrence petitioner was at Araria. Petitioner is in custody since 30.09.2020.

Considering the facts and circumstances of the case and the fact that false implication against the petitioner cannot be rule out, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Patna in connection with Naubatpur P.S. Case No. 93 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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