

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13324 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- GOPALPUR District- Bhagalpur

Sajan Singh @ Ankit Singh Son Of Mithlesh Paswan Resident Of Village -
Panchgachia, P.S. - Gopalpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-09-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Gopalpur P.S. Case No.114 of 2020 registered for the offence punishable under Section 302/34 of the Indian Penal Code and 27 of the Arms Act.

Allegation against the petitioner is that petitioner along with other co-accused persons killed husband of the informant by firing upon him. It is alleged that husband of the deceased kept running away from the miscreants to save his life and was successful in



getting inside the room of his nephew namely Laddu Yadav, thereafter, all the accused persons followed him, they broke open the door of the house and all of the them fired upon the husband of the informant due to which he died.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioner is not named in the FIR. He stated that the informant, who is the eye witness of the occurrence has not named the petitioner. The petitioner's name first time came in this case in the statement of *Subhash Yadav*, whose relation with petitioner is not good, after twenty days of the occurrence in which he has stated that he seen the petitioner was fleeing away from the place of occurrence, which is also stated in paragraphs 138 and 139 of the case diary. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has nine criminal antecedents as has been mentioned in para 3 of this bail application and he is languishing in custody since 04.07.2020.

Learned APP for the State opposed the bail petition and submits that on perusal of the case diary it appears that petitioner was involved in the present case and his name was transpired on the confessional statement of one co-accused, who has seen him fleeing away from the place of occurrence.



Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gopalpur P.S. Case No. 114 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to



move for cancellation of bail.

(5) It is directed that after release the petitioner will have to appear before the Police Station of his local area in the first week of the each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

GAURAV S./-

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

