

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13709 of 2021

Arising Out of PS. Case No.-256 Year-2020 Thana- SITAMARHI District- Sitamarhi

Rahul Singh aged about 33 years, male, son of Sunil Singh, Resident of village Dheng, Police Station Suppi, Dist Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 10-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioner seeks bail in Sitamarhi PS Case No. 256 of 2020, instituted for the offence under Sections 394 and 302 of the Indian Penal Code and Section 27(iii) of the Arms Act.

Three persons, as per allegation, have looted Rs.



8,50,000/- which was being taken by the informant's father for deposits. He has been shot at and succumbed to the injuries.

The learned counsel for the petitioner submits that he was arrested for alleged possession of arms in Sitamarhi P.S. Case No. 257 of 2020. Thereafter, he has been remanded in the instant case. Other than the confessional statement of co-accused Utkarsh Kumar and other co-accused persons, there is nothing on record in the case diary to even suggest the petitioner's involvement. There is alleged recovery of Rs. 23,500/- from the possession of co-accused Utkarsh Kumar. Against the petitioner, neither there is recovery of any incriminating material nor he has been put on Test Identification Parade, or identified by any person. The petitioner is stated to be having three criminal antecedents from before. The same are cases instituted by his agnates over family disputes and are quite old being of the year 2014. Submission is that under such circumstances, he is in custody since 12.06.2020.

The learned APP representing the State has opposed the prayer for bail. On going through the case diary he has not pointed out any other material apart from the confessional statement of co-accused.

Considering the rival submissions as also the facts and



circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 the learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P .S. Case No. 256 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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