

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19558 of 2021**

Arising Out of PS. Case No.-190 Year-2020 Thana- SAHAR District- Bhojpur

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SUDESHWAR SINGH SON OF LATE DHRUB SINGH RESIDENT OF
VILLAGE - EKWARI PS- SAHAR DISTRICT - BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.2, APP

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

2 10-08-2021 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 learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sahar P.S. Case No.190/2020 registered for the offences punishable under Sections 302 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 06.09.2020.

Learned counsel for the petitioner submits that petitioner is 80 years old man. A perusal of the FIR itself would show that it is a case of false implication of the petitioner.

According to the informant when his father Nathuni Singh was sleeping in his room without door, at about 2.30 am the co-accused Sanjay Singh who is son of the petitioner shot the father of the informant. On hearing the sound of firing when the wife of the informant came out, she found co-accused Prasun Singh, son of Sanjay Singh and Dhananjay Singh @ Chhena Singh who is another son of this petitioner and this petitioner, all the four standing there. It is further alleged that co-accused Prasun Singh and Dhananjay Singh @ Chhena Singh started firing and the firing hit the right hand of the wife of the informant whereafter she fell down and all the accused fled away.

Learned counsel points out that the informant is not an eye witness as is evident from the FIR itself. Further the learned Sessions Judge, Bhojpur has while rejecting the prayer for bail of the petitioner noted the submission that there is no independent witness of this occurrence, no specific role has been assigned to this petitioner and no injury report of the wife of the informant has been brought on record.

Learned counsel submits that in any view of the matter, this petitioner has not committed any overt act and as such he deserves privilege of bail.

Mr. Binod Kumar No.2, learned APP for the State has

submitted that from perusal of FIR itself it appears that no specific role has been assigned to this petitioner.

Considering the facts and circumstances of the case wherein this petitioner has not been assigned any role in the alleged occurrence, he is 80 years old and has remained in custody for more than 11 months, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released 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.-VI, Bhojpur at Ara in connection with Sahar P.S. Case No.190/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or

tamper with the evidence.

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)

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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'.