

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22452 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- MUSRIGHRARI District- Samastipur

SONELAL SINGH S/o Dhanush Dhari Singh R/o village- Baghi Akdara,
P.S.- Muffasil, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate

For the State : Dr.(Mrs.) Indihar Kumari, APP.

For the Informant Ms. Vaishnavi Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-12-2021 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Musri Gharari P.S. Case No. 129 of 2020 registered for the offences punishable under Sections 302, 120B of the IPC and Section 27 of the Arms Act.

According to prosecution case, on 09.11.2020 at about



2:00 PM, the informant along with her son had gone to see her agricultural field. She further states that after that her son went to the shop of barber where petitioner along with other accused came on two motorcycles and made indiscriminate firing at her son. The injured was taken to hospital but he died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that no specific overt-act has been alleged against the petitioner. There is general and omnibus allegation of firing against all the accused persons. Learned counsel further submits that it appears from the FIR itself that alleged occurrence took place on 09.11.2020 and the present FIR has been lodged on 11.11.2020. Learned counsel for the petitioner further submits that petitioner is in custody since 12.11.2020.

The learned Additional Public Prosecutor as well as learned counsel for the informant opposed the prayer of bail submitting that allegation of firing is against all the accused persons and the postmortem report reveals that deceased has sustained four firearm injuries.

Considering the aforesaid facts and circumstances as well as period of custody, 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, Samastipur in connection with Musri Gharari P.S. Case No. 129 of 2020, subject to the following conditions:-

1. 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 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.

3. 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.

(Rajesh Kumar Verma, J)

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