

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22695 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- BIDUPUR District- Vaishali

PRINCE KUMAR Son of Shivnath Singh @ Vishwanath Singh Resident of
Village - Panapur, Dilawarpur, P.S.- Bidupur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-09-2021 Heard learned counsel for the petitioner and Mr. Syed
Mojibur Rahman, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Bidupur P.S. Case No. 172/2020 registered
for the offence under Sections 302, 120(B) of the Indian Penal
Code and Section 27 of the Arms Act. He is in custody since
12.08.2020.

Learned counsel for the petitioner submits that as per
the prosecution story, the husband of the informant was shot at
near the Kanti Factory. On information about the firing, the
informant and her son went there and there her husband told her
son that the named accused persons had fired upon him, later on
he succumbed to his injury and died.

Learned counsel for the petitioner submits that this
petitioner is not named in the First Information Report and the



husband of the informant had not named the petitioner. The name of this petitioner has transpired in the confessional statement of co-accused Kundan Singh who has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 28682/2020.

It is further submitted that the confessional statement of the co-accused Ramesh Kumar Yadav discloses that he had fired upon the victim. As regards the two criminal antecedents, it is submitted before this court that the petitioner is on bail in both the cases.

Mr. Syed Mojibur Rahman, learned A.P.P. for the State has opposed the prayer for bail of the petitioner, however learned A.P.P. has not brought to the notice of this court any material so as to say that the petitioner was named by the husband of the informant or that there is any independent material against him.

Considering the facts and circumstances of the case and the submissions noted hereinabove, since this petitioner is not named in the F.I.R. and the F.I.R. is said to be based on the statement of the husband of the informant, the co-accused Kundan Singh has already been granted bail by learned coordinate Bench of this Court, the petitioner has remained in



custody in connection with this case for over one year but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 172/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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)

Rajeev/-

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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'.

