

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23333 of 2021**

Arising Out of PS. Case No.-162 Year-2019 Thana- PIPRAKOTHI District- East Champaran

PUSHKAR SINGH S/o Bipin Bihari Singh Resident of Village- Kudiya, P.S.-
Pipra Kothi, Distt- East Champaran at Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.P.K. Shahi, Sr. Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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

5 07-07-2021 Heard learned Senior counsel for the petitioner and
learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain
bail in connection with Pipra Kothi P.S. Case No. 162 of 2019
registered for the offence under Section 302/379/120(B)/34 of
the Indian Penal Code and Section 25(1-b)a/26/27/35 of the
Arms Act and later on added Section 394 of the Indian Penal
Code.

Learned counsel for the petitioner submits that earlier
the prayer for bail of the petitioner was rejected by this court
vide order dated 08.09.2019 passed in Cr. Misc. No.
17847/2020. It is submitted that while rejecting the prayer for
bail this court has noticed that the allegation of firing has been
made against the co-accused Vivek Singh who has been granted



bail by learned coordinate Bench of this Court in Cr. Misc. No. 3386/2020 vide order dated 27.05.2020. In his confessional statement the name of this petitioner and co-accused had transpired.

Learned Senior Counsel further submits that the prayer for bail of the petitioner was rejected after noticing that he had got five cases on his head.

Learned Senior Counsel submits that at this stage two developments may be noticed by this Court, firstly, that recently this Court called for a report from the learned trial court as to the present stage of the trial and the time likely to be taken in conclusion thereof. The report has been received and according to this report the case is pending for supply of police paper, thus, it is evident from the report that the trial is not likely to take place in near future particularly in the present days pandemic situation, secondly, in the case of co-accused Vikal Kumar Singh @ Chohote who had got three criminal antecedents, this Court has granted bail vide order dated 01.07.2021 passed in Cr. Misc. No. 2132/2021.

It is submitted that in all the five cases against the petitioner he is on bail, therefore considering the aforesaid few developments the petitioner may be enlarged on bail.



Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but considering the aforesaid developments this Court having noticed that the co-accused similarly situated in the present case has been granted bail and the petitioner has remained in custody in connection with this case since 19.08.2019 but the records are still pending for supply of police paper and the trial is not likely to take place in near future, there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Rupees) with two sureties of the likely amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Pipra Kothi P.S. Case No. 162 of 2019, 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'.

