

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34047 of 2021

Arising Out of PS. Case No.-273 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

VISHAL SINGH @ VISHAL KUMAR SINGH S/O SRI SHAMBHU
SINGH RESIDENT OF VILLAGE DHIYAWAN TOLA TANDI, P.S-
CHAPRA MUFFASIL, DISTRICT-SARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Chapra Muffasil P.S. Case No. 273 of 2020 registered for the offence under Sections 147, 148, 149, 341, 307, 302 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with his associates are said to have fired as a result of which Rabindra Singh and Abhishek Singh have sustained gunshot injuries and during course of treatment Rabindra Singh succumbed to the injuries.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. In fact, the entire occurrence is nothing but an accident which took place on the eve of marriage ceremony as is manifested from the F.I.R. itself. Although the petitioner is named in the F.I.R. but no specific accusation is attributed to him rather the specific accusation of firing, as of result of which Rabindra Kumar died, is attributed to one Prince Kumar. Moreover, the co-accused, namely, Nitesh Kumar @ Avinash Kumar Singh, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 07.09.2021 passed in Cr. Misc. No. 34899 of 2021. The petitioner is rotting in judicial custody since 08.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that two more cases including the present one have been instituted against the petitioner, which is evident from paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-IX, Chapra in connection with Chapra Muffasil P.S. Case No. 273 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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