

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27602 of 2020

Arising Out of PS Case No.-149 Year-2001 Thana- NAUBATPUR District- Patna

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Arun Singh @ Arun Kumar Sharma, aged about 63 years, Male, Son of Late Yugal Kishore Singh, Resident of Village - Tarari, PS- Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the State : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 07-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Amit Kumar Anand, learned counsel for the petitioner and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Naubatpur PS Case No. 149 of 2001 dated 28.08.2001, instituted under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 12.12.2019 passed in Cr. Misc. No. 82294 of 2019.



5. The allegation against the petitioner and seven others, as per the FIR, is of firing on the deceased leading to his death.

6. Learned counsel for the petitioner submitted that though in the FIR, the informant, who is the son of the deceased, has stated that he was an eye witness and has named the petitioner and others having fired on his father, but the others have been acquitted and in the trial of the petitioner, the informant has stated that he had not named any person and had put his thumb impression and what was written was not read out to him. Learned counsel drew the attention of the Court to the earlier rejection order dated 12.12.2019 and submitted that a major consideration for rejection of the bail application of the petitioner was that he was trying to evade the law and was finally arrested on 29.03.2019 and at that time, the period of custody was less than nine months. Learned counsel submitted that now he is in custody for more than two years and that even as per the allegation in the FIR, he is stated to have fired hitting the deceased on the thigh. Learned counsel submitted that other co-accused had been granted bail after being in custody for much lesser periods.

7. Learned APP submitted that the petitioner has been named by the informant as one of the persons who had fired on the deceased. However, it was not controverted that as per the



allegation itself, the petitioner is said to have fired hitting the deceased on the thigh and also with regard to the informant, in the trial, himself having stated that he had not named any person and had also not seen the occurrence.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, IInd, Danapur, Patna in Naubatpur PS Case No. 149 of 2001 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent



on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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