

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39618 of 2021

Arising Out of PS. Case No.-455 Year-2020 Thana- PATLIPUTRA District- Patna

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Dilip Kumar Son of Mr. Shatrughan Prasad Singh Resident of Mohalla -
Bajrangballi, Near Hanuman Mandir, Mainpura, P.S.- Patliputra, District -
Patna, Presently residing at House No. 87, Road No. 2, Mahesh Nagar,
Indirapuri, P.S. - Patliputra, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh,Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh-I,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 05-10-2021 At the outset, learned counsel for the petitioner requests for making correction in paragraph – 3 of the bail petition.

Permission is accorded. It may be done in course of the day.

Heard the parties.

The petitioner seeks bail in Patliputra P.S. Case No. 455 of 2020, registered for the offence under Section 302 / 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, while the informant and her husband were sitting in the house, petitioner alongwith three other FIR named co-accused came there on two motorcycles and started abusing them and thereafter, on the instigation of



this petitioner and other co-accused persons, co-accused Simant Kumar @ Bittu took out a pistol from his waist and fired 5-6 round on the husband of informant, on account of which, he (deceased) received fire-arm injuries and during course of treatment died.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case due to partition dispute between the parties. As per F.I.R. itself, petitioner is one of the order-giver, and specific allegation of causing fire-arm injury is against co-accused Simant Kumar @ Bittu. Petitioner is in custody since 28.01.2021. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. 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 Sub Judge XII cum Additional Chief Judicial Magistrate, Patna in connection with Patliputra P.S. Case No. 455 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the



court below, 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.”

(Prabhat Kumar Singh, J.)

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