

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1951 of 2020

Arising Out of PS. Case No.-408 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

RAJVEER SINGH @ BAMBAM SINGH Son of Late Prithavinath Singh
Resident of Village - Fatehpur, Gali No. - 2, P.S.- Siwan Town, District -
Siwan

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Anil Chandra, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2021 Learned counsel for the appellant undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

Appellant, in the present appeal, is seeking setting
aside the order dated 25.08.2020 passed in Siwan Muffasil
(Mahdeva) P.S. Case No. 408/2019 by which learned 1st
Additional Sessions Judge – cum – Special Judge, Siwan has
rejected the bail of the appellant for the offence under Section
302, 120(B), 34 of the Indian Penal Code, under Section 27 of
the Arms Act and Section 3(i)(r)(s)/2(v) of SC/ST Act.

Learned counsel for the appellant submits that the
appellant has been falsely implicated in this case during



investigation stage on the basis of the alleged confessional statement of the co-accused. Learned counsel submits that the informant in this case is the mother of the deceased who is claiming herself an eye witness to the alleged occurrence. She has specifically stated that there was a quarrel between her son on the one hand and the co-accused Babu Tiwari, Robin, Aftab and 4-5 unknown persons. It is alleged that the informant's son told Robin and Aftab to go from the place of occurrence upon which Robin and Aftab with the help of unknown persons caught her son and Babu Tiwari fired upon him by pistol.

Learned counsel submits that there is no allegation that this appellant has indulged in the alleged quarrel. Learned counsel submits that so far as the criminal antecedents are concerned, in the case under the Arms Act he has been granted bail on finding that the said arm was a licensee arm in the name of his uncle and in the other cases under the Prohibition & Excise Act the appellant was taken on remand but when no charge-sheet was filed in those cases against the appellant he has been granted bail by learned court below itself. He is said to be on bail in all the cases.

Learned Spl. P.P. for the State is present and does not controvert the submissions that the informant is an eye witness



who has made specific allegation of indulging in quarrel and then firing against the co-accused only.

Having regard to the facts and circumstances stated hereinabove, since the appellant has not been allegedly involved in the alleged quarrel and there is no allegation of firing against him, this court directs release of the appellant on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge – cum – Special Judge, Siwan, District – Siwan in connection with Muffasil (Mahdeva) P.S. Case No. 408/2019, 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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/-

U		T	
---	--	---	--

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'.

