

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11098 of 2021**

Arising Out of PS. Case No.-63 Year-2020 Thana- SISWAN District- Siwan

Chhotu Singh @ Ankit Kumar Singh@ Ankit Singh Son of Bharat Singh
Resident of Village - Kachnar, Police Station - Siswan (Chainpur O.P.),
District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

6 08-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioner seeks bail in Siswan P.S. Case No.63 of 2020 instituted for the offence under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.



The informant's brother has been shot by Guddu Yadav (co-accused). As per allegation, the assailants had come on two motorcycles. The identification is by means of light in the night.

Learned counsel for the petitioner submits that he has falsely been implicated in this case. The identification is doubtful. In the investigation, certain persons have stated about arrival of the assailants on one motorcycle. The allegation itself reveals that the motive for the occurrence is love affair of the co-accused Guddu Yadav, who has fired upon the victim, with a girl belonging to the informant's village. He is stated to be of different village. Therefore, the question of his involvement in the occurrence is unsustainable. He further submits that one Yamaha motorcycle, which has been recovered from the place of occurrence, was already sold by the petitioner in the month of March itself to Guddu Yadav (assailant) and, therefore, the recovery of motorcycle is of no relevance. The petitioner is in custody since 25.04.2020.

Learned APP has opposed the prayer for bail. It is submitted that some eye witnesses have stated about the petitioner accompanying the deceased. Out of three criminal cases pending against the petitioner, he is acquitted in one case during pendency of this petition.



Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 the learned Judicial Magistrate, 1st Class, Siwan in connection with Siswan P.S. Case No.63 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each and every date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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