

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3771 of 2021

Arising Out of PS. Case No.-385 Year-2015 Thana- RAJIVNAGAR District- Patna

SHAILESH SINGH Son of Satya Narayan Singh Resident of Village -
Ekauna Kothi keshari Nagar, P.S.- Shastri Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.
For the Opposite Party/s : Mr.Dilip Kr. No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Rajiv Nagar
P.S. Case No.385 of 2015 registered for the offence punishable
under Sections 147/ 148/ 149/ 387/ 341/ 323/ 324/ 504/ 506/
307/ 302/ 484/ 120(b) of the Indian Penal Code and section 27
of the Arms Act.

The prosecution case in short is that on 15.12.2015, while
the informant was constructing boundary on his land with his
partners, several known and unknown accused persons
including the petitioner came there and started measuring his
land. On protest, altercation took place between the informant
and accused persons. The accused persons namely Neeraj Singh,
Manoj Rai, Sonu Singh and Nakat Gop started firing from their



respective pistols upon the informant and his associates causing them brutal injury. Thereafter, on alarm, nearby people assembled there and the accused persons fled away. It is alleged that on protest made by the informant, firing was made by them due to which one Devraj Singh @ Jaykant Singh died. They made 10-15 rounds firing on the place of occurrence.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case by the informant. Learned counsel submits that there is no material to keep the petitioner behind the bar in a case where the man, who was arrested, has given fatal fire-arm injury, has been released by the learned court below on 05.11.2018. He further submits that from the prosecution case, it appears that no overt act is alleged against the petitioner. Similarly situated several co-accused have been granted bail by different co-ordinate Bench of this Court. The petitioner has three criminal antecedent and has been languishing in custody since 25.01.2020.

Learned APP for the State opposed the prayer for bail.

Considering the fact that the main accused has been granted bail by the court below itself, the court is left with no



option, but to release the petitioner on bail. Accordingly, the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 3rd, Patna in connection with Rajiv Nagar P.S. Case No.385 of 2015 with the condition that the petitioner will extend full cooperation in conclusion of the trial.

The trial court is directed to expedite the trial and conclude the same in all respect within a period of nine months from the date of receipt of a copy of this order.

The Senior Superintendent of Police, Patna is directed to take steps for production of all prosecution witnesses for their examination, so that the trial may be concluded within the time indicated herein above.

In the event, the petitioner causes any delay in conclusion of trial, the trial court shall be at liberty to cancel the bail bonds.

(Anjani Kumar Sharan, J)

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