

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2139 of 2021**

Arising Out of PS. Case No.-118 Year-2019 Thana- MORKAHI District- Khagaria

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KRITLAL SINGH @ BRIJLAL SINGH son of Late Babujan Singh Resident
of Village- Morkahi Icharua, P.O. Ambaicharua, P.S. Alouli, District-
Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-04-2021 Learned counsel for the petitioner 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 petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Morkahi P.S. Case No. 118 of 2019 registered

for the offences punishable under Sections 147, 148, 149, 341,

342, 307, 504 and 506 of the Indian Penal Code and Section 27

of the Arms Act.

Learned counsel for the petitioner submits that as per

the prosecution story when the informant was ploughing his

field, six accused persons lashed with lathi-danda and pistol



surrounded the informant and his father. Thereafter, the accused persons opened fire due to which the informant and his father received fire-arm injuries.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this Case. It is further submitted that the specific allegation of firing is against the three other co-accused and not against this petitioner. Learned counsel submits that the petitioner is in custody since 08.07.2020.

Learned A.P.P. for the State is present and has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this Court has noticed the submission of learned counsel for the petitioner that in the First Information Report, there is a general and omnibus kind of allegations, the specific allegations of firing are against three other co-accused but not against this petitioner and further that this petitioner had got one criminal antecedent as stated in paragraph '3' but he is on bail in the said case, so far as present case is concerned, he is in jail since 08.07.2020, investigation against him is complete and at this stage if release on bail, there is no chance of the petitioner indulging in tampering with evidence or interfering with the



course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khararia in connection with Morkahi P.S. Case No. 118 of 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

