

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1952 of 2021**

Arising Out of PS. Case No.-136 Year-2020 Thana- HASANPUR District- Samastipur

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Gudda Singh @ Saharsh Samir (Male) Aged about 19 years, Son of Baidahi
Sharan Singh @ Kamal Singh Resident of Village - Attapur, P.S. - Hasanpur,
District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Akhileshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4. 10-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Hasanpur P.S. Case No. 136 of 2020, registered for the offence under Sections 392, 302 of the Indian Penal Code.

As per the prosecution case, on 18.06.2020 at about 7.45 PM, after closing the shop and taking sell money of Rs. 70,000/-, the husband of the informant and her son proceeded towards the house by motorcycle and when reached near Hasanpur Sugar Mills, two unknown persons riding on a motorcycle intercepted them and on the point of pistol, looted the aforesaid money as well mobile phone and on protest, they (accused) fired on the chest of husband of the informant, as



a result of which, he fell down and thereafter, he was taken to the hospital, where the doctor declared him dead.

It is submitted on behalf of petitioner that FIR is against unknown. However, during course of investigation after one day of the occurrence, the petitioner has been named by the informant and her son, as one of the miscreants. It is further submitted that son of the informant, who was present at the place of occurrence in his statement, has stated that co-accused Satyam Yadav fired on the chest of his father, as a result of which, he died and only fact, which has come against this petitioner is that he was seen near the place of occurrence making round on motorcycle. Petitioner is in custody since 22.09.2020. Chargesheet has already been submitted.

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

Considering the rival submissions of the parties and the fact that petitioner was only seen at the place of occurrence and not assailant of the case, 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 A.C.J.M.-VI, Rosera, District - Samastipur in connection with



Hasanpur P.S. Case No. 136 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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