

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8983 of 2021

Arising Out of PS. Case No.-22 Year-2019 Thana- BARARI District- Katihar

Dabloo Singh aged about 30 years, (Gender- M) Son of Kamal Dev Singh
@ Kamal Dev Nishad, Resident of Village- Sukhasan P. S.- Barari, District
Katihar .

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr Bimal Kumar. Advocate
For the State : Mr. Paremeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021 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.

2. Heard learned counsel for the petitioner and learned counsel for the State

3. 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.

4. The petitioner seeks bail in Barari P.S. Case No. 22 of 2019, instituted for the offence under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

5. The informant's elder brother had altercation with some co-accused persons. At a later time, it is alleged that the co-accused persons, namely, Jaikey Mahto, Sonu Mahto and Mithun Malakar have accosted the informant's brother while he was on his way and killed him.



6. Learned counsel for the petitioner submits that he is not named in the FIR. During investigation co-accused Brajesh Yadav has stated about the petitioner's involvement. The said Brajesh Yadav has since been allowed bail in Cr. Misc no. 62003 of 2019. The petitioner has five criminal antecedents disclosed in paragraph no. 3 of the bail petition. In these cases, he is stated to be on bail. He is in custody in connection with the instant case since 01.12.2019. The submission is that no overt act, whatsoever, has been alleged against the petitioner by the informant.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, 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 ACJM –V Katihar**, in connection with **Barari P.S. Case No. 22 of 2019**, 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 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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