

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10680 of 2021**

Arising Out of PS. Case No.-27 Year-2017 Thana- AKBARPUR District- Nawada

SHANKAR SINGH Son of Ravindra Singh @ Ravindar Singh Resident of
Village - Gangata, P.S.- Akbarpur, and Dist.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-05-2021 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 Akbarpur P.S. Case No. 27 of 2017 registered
for the offences punishable under Sections 147, 148, 149, 341,
307, 302 and 504 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 along with his uncle
was going to his house by cycle and when they reached near



Village-Farha, all the F.I.R. named accused persons variously armed surrounded them and threatened to kill. Then one Kaushal Singh fired upon the uncle of the informant due to which he fell down. The informant raised alarm and when few persons gathered at the place of occurrence, the miscreants fled away and with the help of the villagers, informant's uncle was taken to the Sadar hospital where he was declared dead.

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 co-accused Kaushal Singh and no active participation of the petitioner has been alleged in the F.I.R. Learned counsel submits that the petitioner is in custody in this case since 19.09.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that save and except that the petitioner is named in the F.I.R. no overt act has been alleged against him, the specific allegation of firing has been made against co-accused Kaushal Singh, no active participation of the petitioner has been alleged



in the F.I.R., it is said to be a case of false implication of the petitioner with aid of Section 149 I.P.C., the petitioner is in custody in connection with the present case since 19.09.2020 and at this stage the trial is not likely to be concluded in near future particularly, in present day pandemic situation, the petitioner has got three cases on his head out of which, in two cases he is on bail and in one case his prayer for bail is pending, it is not the submission on behalf of the State that release of the petitioner is likely to result in tampering with the 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 Additional Chief Judicial Magistrate-1st, Nawada in connection with Akbarpur P.S. Case No. 27 of 2017 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)

arvind/rajeev

U		T	
---	--	---	--

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'

