

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2760 of 2022

Arising Out of PS. Case No.-82 Year-2020 Thana- BASANTPUR District- Siwan

Arvind Singh, Son Of Damodar Singh (wrongly Stated In Fir Son Of Mankeshwar Singh) Resident Of Village - Bithuna, P.S.- Basantpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-11-2022 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Basantpur P.S. Case No. 82 of 2020, registered for the offences punishable under Sections 323, 447, 307, 385, 387, 504, 506 and 34 of the Indian Penal Code.

The prosecution case as emerging from the FIR is that at 02.00 PM petitioner and his associates came on two motorcycles and opened fire upon the informant, his brother and his nephew, as a result thereof, one Surjeet Singh sustained injury on his leg.

The Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that allegation of fire-arm injury caused by the present accused-petitioner to the alleged victim, Surjeet Singh in his knee is not corroborated by medical evidence because injury report shows that injury in the knee is simple and caused by hard and blunt substance. He further submits that investigation in this case is complete and charge-sheet has already been submitted. Even charge in this case has been framed. He also submits that petitioner has been languishing in jail since 31.05.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in 11 more cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 82 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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