

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63683 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- BIHIA District- Bhojpur

Rajdeo Singh, S/o Late Parsuram Singh, Resident of Vill - Amrai Nawada,
P.S. - Bihiya, Dist. - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3465 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- BIHIA District- Bhojpur

Himansu Singh, Son of Rajan Singh, Resident of Village - Amrai Nawada,
P.s.- Bihiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3607 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- BIHIA District- Bhojpur

Kanhaiya @ Kanhaiya Singh, Son Of Late Awadhbihari Singh, R/O Village-
Amrai Nawada, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63683 of 2021)

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

For the Opposite Party/s : Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 3465 of 2022)

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 3607 of 2022)

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

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 23-08-2022

Since all the applications arise out of Bihiya P.S.

Case No. 149 of 2021, as such, they have been heard together



and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Sessions Trial No. 228 of 2021 arising out of Bihiya P.S. Case No. 149 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the cousin of the informant was shot dead and the informant alleged that the petitioners along with co-accused Monu Singh under a conspiracy murdered him. The occurrence took place in the background of some earlier dispute.

It has been submitted on behalf of the petitioners that the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is apparent that there was no eye-witness to the occurrence. Only allegation against the petitioner Himanshu Singh is that the cousin of the informant went with him on the fateful day otherwise there was no specific allegation



against any the petitioners. The petitioners Rajdeo Singh and Kanhaiya Singh are in custody since 25.04.2021 and 02.07.2021 and petitioner Himanshu Singh is in custody since 30.09.2021 and charge-sheet has been submitted against them. It has further been submitted on behalf of the petitioners that it is a case of circumstantial evidence and the chain of circumstance has not been shown to be completed. Even against the petitioner Himanshu Singh only allegation is that deceased used to stay in his company and on the date of occurrence he went with him but it is not on record that he was last seen with the deceased.

Learned APP opposes the prayer for bail submitting that the witnesses in paragraphs 18, 32 and 33 of the case diary have supported the prosecution case. It has also come in the statement of witnesses that the deceased and the petitioners used to commit theft and on dispute over distribution of the stolen articles, the occurrence took place.

Perused the records.

Having regard to the submissions made hereinabove and considering the lack of substantive material against the petitioners to connect them with the murder of the cousin of the informant and further considering the submission of charge-sheet against the petitioners as well as the



period of their custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IXth, Bhojpur at Ara, in connection with Sessions Trial No. 228 of 2021 arising out of Bihiya P.S. Case No. 149 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of Himanshu Singh will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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