

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6497 of 2022

Arising Out of PS. Case No.-544 Year-2014 Thana- MOTIHARI TOWN District- East
Champaran

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Tunna Singh @ Hari Narayan Singh Son of Late Binda Singh Resident of
Village - Nankhar Patahi, P.s.- Patahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 27-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Motihari

Town P.S. Case No. 544 of 2014 registered for the offence under

Sections 302, 120B and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 12.02.2017.

The allegation against the petitioner is to open fire

upon informant and others, along with other co-accused persons,

consequently two (2) persons died on the spot, where one

received grievous fire arms injuries.



Learned counsel appearing on behalf of the petitioner submitted that admittedly, as per FIR, occurrence founded over previous enmity, where allegation to open fire against this petitioner is not specific rather general. It is submitted that implication of this petitioner is on the basis of suspicion as he found involved in 13 criminal cases, having no bearing over merit of this case. It is further submitted that petitioner acquitted in two (2) cases out of thirteen (13), whereas he is on bail in rest of eleven (11) cases. It is also submitted that informant of this case has already been examined by the trial Court, where he failed to identify this petitioner and as such to keep this petitioner for any further period of time as under trial, shall not serve any purpose of justice. While concluding the argument, it is submitted that investigation of this is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that allegation of firing is not specific rather general against this petitioner.

Out of text of submissions, it appears from perusal of the report of learned Trial Court only six(6) witnesses have been examined out of 12 prosecution witnesses, where petitioner is



available in custody since 12.02.2017. It appears that trial is not likely to conclude in near future.

Considering the facts and circumstances as mentioned above, as allegation to open fire is not specific against this petitioner, where he is in custody since 12.02.2017, in the back ground of report of the trial Court, as trial is not likely to conclude in near future coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Motihari Town P.S. Case No. 544 of 2014 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 12th Additional District & Sessions Judge/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be, Vivek Kumar Singh, who is the Cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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