

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7981 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- UPHARA District- Aurangabad

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BISHUNPAT SINGH @ VISHUNPAT SINGH S/O LATE SAHDEV SINGH
@ LATE SAHEB SINGH R/o village- Shankardih, P.S.- Upahara, Distt.-
Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari 1

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 11-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Uphara P.S. Case No. 80 of 2020 for the offence punishable
under Sections 147, 148, 149 and 302 of the Indian Penal Code
and Section 27 of the Arms Act.

As per the F.I.R., the petitioner along with 13 other
named accused persons took away father of the informant and
thereafter, it is alleged that the accused persons abused and
killed him by lathi, danda, garasa and fire arm.



It is submitted on behalf of the petitioner that the petitioner has falsely been implicated in this case due to admitted land dispute between the parties. No overt act has been alleged against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Charge sheet has been submitted. Falsity of the case is apparent from the fact that as per the F.I.R., the informant, who claims to be eye-witness of the occurrence, has alleged that the deceased was assaulted and shot, whereas in the post mortem report, no fire arm injury has been found on the person of the deceased. Petitioner is in custody since 23.12.2020. Similarly situated co-accused namely Ranjeet Kumar and Aabu @ Shatish Kumar have been granted bail by a co-ordinate Bench of this Court vide orders dated 08.12.2021 and 16.12.2021 passed in Cr. Misc. Nos. 35310 of 2021 and 41213 of 2021 respectively.

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

Considering the aforementioned facts and circumstances of the case, the allegation levelled against the petitioner is not specific rather general and omnibus in nature, similarly situated co-accused namely Ranjeet Kumar and Aabu @ Shatish Kumar have been granted bail by a co-ordinate



Bench of this Court, there is no allegation of tampering with the evidence or influencing the witnesses and trial is not likely to be concluded soon, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Upahara P.S. Case No. 80 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single



default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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