

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21786 of 2021**

Arising Out of PS. Case No.-691 Year-2019 Thana- KATIHAR NAGAR District- Katihar

DABLOO SINGH Son of Kamal Dev Singh @ Kamal Dev Nishad Resident
of Village - Sukhasan, P.S.- Barari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 10-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with
S.Tr.No.80 of 2020 arising out of Katihar Town Police Station
Case No.691 of 2019 registered for the offence under Sections
326,307/34 of the Indian Penal Code and Section 27 of the Arms
Act.

As per prosecution case, on 17.10.2019 at 7.30
P.M.,while the informant was at his tiles shop, in the meantime,
one Birendra Kumar Yadav came and purchased tiles. In the
meantime, two unknown miscreants entered into his shop and
fired upon them, as a result of which Birendra Kumar Yadav
received firearm injury and second firing caused injury to the
informant and thereafter, they fled away.



Learned counsel appearing for the petitioner submits that the has falsely been implicated in the present case. He further submits that the petitioner is not named in the FIR. The FIR was against unknown persons. He further submits that the name of the petitioner has been transpired during course of investigation on the basis of the statement of the witnesses.

Vide order dated dated 15.11.2021, a report was called of present status of the trial vide letter dated 17.11.2021 a report has been submitted in which it is clearly stated that out of 12 witnesses have been listed in Sl.No.13 of the chargesheet, out of which P.W.1 and P.W.2 have been examined in this case as yet.

Learned counsel for the petitioner further submits that co-accused, namely, Md.Raza has been granted bail vide order dated 28.02.2020 in Cr.Misc. No.6964 of 2020 and another co-accused, namely, Kalu Jha has been granted bail vide order dated 01.06.2020 in Cr. Misc. No.7785 of 2020 and one Sujeet Jha @ Sujit Jha has been granted bail vide order dated 12.10.2020 in Cr. Misc. No.26599 of 2020 by different Coordinate Benches of this Hon'ble Court. Petitioner is in custody since 05.11.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries



seven more cases other than the present one.

Considering the aforesaid fact and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-V, Katihar in connection with S.Tr.No.80 of 2020 arising out of Katihar Town Police Station Case No.691 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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