

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13013 of 2022

Arising Out of PS. Case No.-427 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Annu Singh @ Rahul Singh, Son of Pramod Singh @ Pramod Kumar Singh,
Resident of Sidhighat, P.S. - Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 427 of 2019, registered for the alleged offences under Sections 302, 120 B of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the informant and his brother along with their bodyguards were ambushed by four criminals and brother of the informant received gunshot injuries and later on, he succumbed to these injuries during treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as during the period when the alleged occurrence is stated



to have taken place, he was in judicial custody. Except for the confessional statement of co-accused Sumit Kumar, there is nothing against this petitioner, but in absence of any substantive evidence, this confessional statement has got no value. During the course of the investigation, no cogent evidence has come up against this petitioner except the confession of co-accused stating him to be the conspirator. Further, no Test Identification Parade has been carried out. The other co-accused persons have been granted bail by the Coordinate Benches of this Court vide order dated 23.09.2020 passed in Cr. Misc. No. 25191 of 2020 and order dated 16.11.2021 passed in Cr. Misc. No.22313 of 2021, respectively. The case of this petitioner is on better footing to those co-accused persons, who have been granted bail. The charge sheet has been submitted in this case and the petitioner is in custody since 28.10.2020.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender having a large number of cases against him.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the absence of any supportive material on record against this petitioner and also considering the submission of



charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 427 of 2019, 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 the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent who has sworn the affidavit in the matter.
- (iii) The petitioner 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 bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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