

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13190 of 2022

Arising Out of PS. Case No.-53 Year-2020 Thana- MURLIGANJ District- Madhepura

Ashish Kumar Singh @ Golu Singh Son Of Bablu Singh @ Varun Kumar
Singh Resident Of Village - Madhukar Chak, Ward No.- 4, P.S.- Bihariganj,
Dist.- Madhepura. Petitioner/s

Versus

The State of Bihar... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned A.P.P
for the State.

Let the defect (s), as pointed out by the office, be removed
within a period of four weeks form today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 399 and
402 of the Indian Penal Code and Section 25(1-b)A /26/35 of
the Arms Act.

The prosecution case, in short, is that police got an
information regarding some miscreants who were planning for
some graver offence, informant along with police personnel
reached at the said place and apprehended two persons but three
managed to escape. During the interrogation, the apprehended
accused disclosed their names as Niraj Yadav and Sandeep
Kumar. On search, one countrymade pistol was recovered from



the possession of Niraj Kumar and a live bullet was recovered from the possession of the other co-accused namely, Sandeep Kumar.

Learned counsel for the petitioner submits that the petitioner is innocent and has not been named in the First Information Report. It is further submitted that the petitioner's name transpired in this case only on the basis of confessional statement of co-accused namely, Murari Yadav @ Shivam Yadav. Further, it is submitted that no incriminating articles have been recovered from the possession of the petitioner. It is further submitted by learned counsel for the petitioner that another co-accused namely, Sandeep Kumar has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 22.06.2020 passed in Criminal Miscellaneous No. 19843 of 2020. Learned counsel for the petitioner further submits that the petitioner is in custody since 25.06.2021, charge-sheet has been submitted and has antecedent of five cases.

Learned A.P.P for the State opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with



two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-2, Madhepura in connection with Murliganj P.S. Case No. 53 of 2020, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

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