

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15176 of 2022

Arising Out of PS. Case No.-4 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

SUBODH KUMAR SINGH @ SUBODH SINGH @ SUBODH KUMAR
S/O ISHWARI PRASAD SINGH R/o village- Chistipur, P.S.- Chandi,
District- Nalanda

... .. 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. Shyam Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 14-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Shivanand Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Hajipur Sadar P. S. Case No. 04 of 2020 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act and Section 52 of the Prisoner Act.

The prosecution story is based on a written report



alleging therein that on 03.01.2020 at about 02:30 P.M., while under-trial prisoner Manish Kumar @ Netaji @ Telia was on his bed in jail hospital, in the meantime, one another under-trial prisoner Raja Baboo came and shot him dead by a country-made pistol. It is further alleged that on being asked the prisoner Raja Baboo confessed his involvement in the murder and disclosed that the pistol was made available to him by prisoner Annu Singh @ Rahul Singh.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R., however, the name of the petitioner has surfaced in the confessional statement of co-accused Raj Kumar and Annu Singh @ Rahul Singh, who allegedly confessed the complicity of the petitioner as one of the conspirators in getting the murder of the deceased done inside the jail at the hands of Raja Baboo, who is said to have shot the deceased. It is next submitted that admittedly the petitioner is behind the bar at Beur Adarsh Jail since 2018 and there had never been any occasion to meet with other co-accused persons nor any cogent material has come during the course of investigation showing the complicity of the petitioner. It is further submitted that even in confessional statement of Raj Kumar and Annu Singh @ Rahul Singh, the



petitioner is said to be conspirator but without any foundational material. It is also submitted that only because of his past criminal antecedent, his name has been implicated in this case. It is next submitted that other co-accused persons, namely, Shivam Kumar and Rajiv Kumar @ Rajiv Kumar Singh @ Pullu Singh have already been granted bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 20566 of 2021 and in Cr. Misc. No. 72341 of 2021 vide orders dated dated 21.10.2021 and 07.06.2022 respectively. It is last submitted that the petitioner is remanded in this case on 28.08.2020 and since then he is in custody.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent inasmuch as he is found involved in 14 other cases, which is pending in different States against the petitioner. He next submitted that the petitioner is said to be one of the conspirators.

Regard being had to the submissions made on behalf of the parties and taking into account the criminal antecedent of the petitioner, this court is not persuaded to enlarge the petitioner on bail, for present, however, the petitioner would be at liberty to renew his prayer for bail on or



after framing of the charge before the jurisdictional court itself, who will pass appropriate order of release on furnishing bail bonds of Rs. 25,000/- (Rupees twenty thousand) with two sureties of the like amount each to its own satisfaction with appropriate condition for the purposes of securing his attendance.

(Harish Kumar, J)

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