

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27056 of 2021

Arising Out of PS. Case No.-300 Year-2016 Thana- NAGAR District- Vaishali

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GARIBAN SINGH, Son of Late Subhash Singh Resident of Village -Maa
Durga Nagar Colony Hajipur, P.S.- Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Ms. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 07-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 09.08.2020,
seeks regular bail in connection with Hajipur Town P.S. Case
No. 300 of 2016, for the offence punishable under Sections 324,
326, 307 and 302 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, in brief, is that on 05.05.2016 at
8.30 P.M, the informant was doing work with Kishlay Kumar in
Godown of Pepsy company situated at Bagmali, in the
meantime some persons, who had covered their faces tried to



enter into his Godown, the informant tried to shut down the shutter of the Godown, but the miscreants open fired causing injury to Kishlay Kumar, who was taken to Sadar Hospital for treatment from where he was referred to PMCH, Patna, but he died during the course of treatment.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the F.I.R. and nothing has been recovered from his possession. The name of petitioner has surfaced in the confessional statement of co-accused Vicky Baitha. He further submits that other co-accused Panjak Kumar has already been enlarged on bail vide order dated 19.12.2016 passed in Criminal Miscellaneous No. 50802 of 2016 and another co-accused Vicky Baitha, on whose confessional statement the petitioner has been made accused in the present case, has also been enlarged on bail vide order dated 14.07.2017 passed in 28085 of 2017 by a co-ordinate Bench of this Court.

Learned A.P.P. for the State has opposed the prayer for bail.

Having heard the rival submissions, perused the F.I.R. and the impugned order, it appears that the name of the petitioner has surfaced on the basis of confessional statement of co-accused, no incriminating article has been recovered from



the possession of the petitioner, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali in connection with Hajipur P.S. Case No. 300 of 2016, 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.

(Purnendu Singh, J)

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