

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28564 of 2021

Arising Out of PS. Case No.-315 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

PAPPU SINGH Son of Yogendra Singh Resident of Village - Kritpura, P.S. -
Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-01-2022 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), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 25.09.2020,
seeks regular bail in connection with Baikunthpur P.S. Case No.
315 of 2020 for the offence punishable under Sections 399 and
402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35
of the Arms Act.

The prosecution case, in brief, is that the petitioner
along with other accused persons after stealing the motorcycle
of the informant was fleeing away. Other co-accused assaulted



the informant with fire arm which hit on his leg. The allegation against the petitioner is that one fire arm was recovered from his possession. Accordingly, seizure-list was prepared.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that only two cartridges were found at the place of occurrence. Nothing has been recovered from the conscious possession of the petitioner. He has been roped in this case because other criminal cases are pending against him. Petitioner is in custody since 25.09.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, custody of the petitioner, there is no allegation of tampering with the evidence or influencing the witnesses and there is no chance of completion of trial in near future due to COVID-19, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III, Gopalganj in connection with Baikunthpur P.S. Case No. 315 of 2020, 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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