

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21412 of 2022

Arising Out of PS. Case No.-25 Year-2014 Thana- KUDHNI District- Kaimur (Bhabua)

PAHALWAN SINGH @ SUJIT KUMAR SINGH @ SUJIT KUMAR S/o
Ashok Singh @ Ashok Kumar Singh Resident of Village- Samudpur, P.S.-
Balua, District- Chandauli (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 302/34 of the Indian Penal Code
and section 27 of the Arms Act.

As per allegation, on the alleged date and time of
occurrence informant and his father were working in the field and
then four persons named in the FIR came on two motorcycles armed
with **Katta** and revolver and on the provocation of co-accused
Badshah Ansari, co-accused Bechan Ansari and Mubrak Ansari
fired at the father of the informant as a result of which victim
sustained firearm injuries and thereafter co-accused Sahabuddin



Ansari fired at the informant and after that informant's father was rushed to hospital where he was declared dead.

The main submissions advanced by Sri Rajesh Kumar learned counsel appearing for the petitioner are that petitioner is not named in the FIR, his name surfaced in the confessional statement of co-accused during course of investigation, said co-accused Niranjan Rai has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 27000 of 2015 and co-accused Bechan Ansarai and Shahabuddin Ansari who are named in the FIR carrying specific allegation of firing have also been considered for regular bail vide orders passed in Cr. Misc. no. 51951 of 2017 and Cr. Misc. no. 28944 of 2021 and said co-accused persons who are on bail have also criminal antecedent.

Learned APP has opposed the prayer for bail.

Having considered the above submissions and mainly taking into account the facts that the petitioner is not named in the FIR and as per petitioner's counsel co-accused who disclosed the involvement of the petitioner in the alleged crime has been granted bail by coordinate bench of this court vide order passed in the above mentioned criminal miscellaneous case and two co-accused Bechan Ansarai and Shahabuddin Ansari named in the FIR carrying specific allegation have also been granted bail by coordinate benches of his court vide orders passed in the above mentioned criminal miscellaneous cases, though against the petitioner there are



antecedents of 11 cases but he is on bail in all cases and in the present case there is no material against him except statement of co-accused given before police as submitted by petitioner's counsel.

Accordingly, in the opinion of this Court, petitioner also deserves privilege of bail and it will not be proper to keep him behind the bars mainly on the ground of his criminal antecedents. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Bhabua (Kaimur) in Kurhani P.S Case No. 25 of 2014 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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