

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21766 of 2022

Arising Out of PS. Case No.-14 Year-2018 Thana- BAKHARI District- Begusarai

SUSHIL SINGH Son of Late Bangali Singh Resident of Village - Parihara,
P.s.- Bakhri, Distt.- Begusarai, Pin -851225

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Apurva Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-04-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, nine named accused persons including the petitioner herein are said to have come variously armed and of having started to fire on the brother of the informant. It is stated that accused Vinay Sah fired hitting the informant's brother in his chest. As a result of the firing, the informant's brother died.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 30.6.2021 (Annexure-1). The aforesaid accused Vinay Sah has been enlarged on bail vide order dated 16.10.2020 passed in Cr. Misc. no. 26553 of 2020. The petitioner is in custody since 17.8.2019 and undertakes to cooperate in the trial.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking



into consideration the facts of the case, grant of bail to co-accused Vinay Sah and the petitioner having remained in custody for more than two years, the Court directs the petitioner to be enlarged on bail in connection with Bakhri P.S. Case no. 14 of 2018 (S.T. Case no. 93 of 2019) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Begusarai subject to the following conditions :

(i) One of the bailors shall be a close relative of the petitioner.

(iii) The petitioner shall remain physically present in Court on each date of the trial.

In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned Trial Court or in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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