

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37028 of 2021

Arising Out of PS. Case No.-3 Year-2018 Thana- SAMHO District- Begusarai

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Bhikhari Singh, Male, aged about 34 years, Son of Radhay Singh @ Radhey Singh Resident of Village- Nandpur, P.S.- Suryagarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Samho P.S.
Case No. 3 of 2018 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, in short, is that the Informant
Nablu Paswan on 25.01.2018 at about 10 a.m. had gone to
testify his land for cutting grass. After one hour, some villagers
informed him that his father has been shot down and killed by
some accused persons of village Nandpur.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and has
falsely been implicated in the present case. He further submits



that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner. He further submits that there is no eye-witness to the alleged occurrence and the police after investigation submitted the charge-sheet against the petitioner. Learned counsel for the petitioner further submits that the co-accused, namely, Nilesh Singh and Munna Singh @ Munna Choudhary have been granted bail by a Coordinate Bench of this Court vide order dated 17.09.2018 and 23.07.2019 passed in Cr. Misc. No. 46629 of 2018 and Cr. Misc. No. 44913 of 2019 respectively and the petitioner is languishing in judicial custody since 28.01.2020.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail submitting that the petitioner is carrying one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Additional District & Sessions Judge-V, Begusarai in connection with Samho P.S. Case No. 3 of 2018, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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