

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39954 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- SITAMARHI District- Sitamarhi

VIMAL SINGH @ VIMAL KUMAR SINGH S/O SRI SATENDRA SINGH
R/O VILLAGE - HARPURKALA, P.S - MAJORGANJ, DISTRICT -
SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-01-2022 Heard Shri Rajeev Kumar Singh, learned counsel for
the petitioner and Shri Brajendra Nath Pandey, learned A.P.P. for
the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Sitamarhi P.S. Case No. 82 of 2020, dated 31.01.2020 instituted
for the offences under Sections 302/34 of the Indian Penal Code
read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.04.2021 and charge-sheet has
been submitted in this case.

From perusal of the allegation as alleged in the FIR, it
would manifest that the informant Dashrath Singh alleges that



on the date of occurrence i.e. 30-31-01-2020 in the night when the informant's son Bholu Singh @ Anand Kumar (deceased) had gone to Adarsh Nagar Mohalla to visit Puja celebration, the accused persons including this petitioner along with some unknown miscreants committed his murder by firing shot at him due to previous dispute and on getting such information, the informant rushed the deceased to the hospital where he was declared dead on account of gun shot injury on his chest. The police after investigation submitted final form and the learned court below deferring with the police report took cognizance under the aforesaid Sections.

Learned counsel for the petitioner submits that at least one of the Investigating Agencies has found the case prima facie to be false against all the named accused in the FIR, as such, for the purposes of bail, the petitioner deserves to be enlarged on bail.

Learned counsel for the petitioner further submits that the deceased was a veteran criminal and has antecedent of eight cases as mentioned in para 7 of the bail application and, as such, he might have been killed by his enemies and the petitioner and the named accused came to be falsely implicated at the behest of the informant.



Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner but is not able to meet the submission of the learned counsel for petitioner that final form was submitted by the police in the case.

Considering the fact that the petitioner is in custody since 06.04.2021, charge-sheet has been submitted and final form was submitted by the police in this case let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 82 of 2020.

(Satyavrat Verma, J)

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