

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30580 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

KIRAN DEVI W/o Krishna Singh R/o village- Garha, P.S.- Udwant Nagar,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 337, 338,
323, 307, 302, 504, 109, 506 of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case is that the informant
Guddu Singh has got an F.I.R. lodged alleging therein that at
about 7 P.M. on 19.03.2022 he was sitting with his uncle, father
other family members at the door of his house. In the meantime,
the accused persons namely Nand Kishor Singh, Madhesh



Singh, Sanjay Singh, Lal Bahadur Singh, Dhananjay Singh, Jitan Kumar, Ram Ishwar Singh and other came there armed with weapons and they all were in drunken state and they also began to abuse and when it was protested by the informant, the co-accused Ram Ishwar Singh instigated for murder and the accused Nand Kishor Singh opened fire with intention to kill which hit on SheoJee Singh. It is further alleged that the accused Sanjay Singh also opened fire which hit below the neck of Nepal Singh, the informant's father. In the meantime the accused Lal Bahadur Singh with intent to commit murder also fired which hit at the forehead of Ram Manoj Singh and at that time, the accused Madhesh Singh fired with Deshi Katta which hit at the chest of Sheo Shankar Singh. During the occurrence, the accused Kiran Devi, Rubi Kumari, Siya Moti Kumari, Ranjan Singh Munan Singh were giving direction by instigating the accused persons for murder and they all also were throwing the bricks and stones. It is further alleged that the occurrence was due to land dispute in between the parties and the informant's father Nepal Singh died as a result of injury in the occurrence and hence the case.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that as per F.I.R., regarding land dispute between the parties the allegation against the petitioner is that he only make instigation in the murder incident to other co-accused persons and there is no direct allegation of assault or firing against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Udwant Nagar P.S. Case No. 124 of 2022, 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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