

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43553 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- DEHRI TOWN District- Rohtas

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MADAN SINGH @ OM PRAKASH S/o- Teja Singh @ Brij Bihari Singh
R/O Village - Majhiaon, P.S. - Beghaila (Nokha), District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s :	Mr. Shivnandan Bharati, Advocate
	Mr. Jagadhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 24-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 06.03.2021, seeks
regular bail in connection with Dehri Town (Indrapuri O.P.) P.S.
Case No. 301 of 2020 registered for offences punishable under
Sections 147, 148, 149, 341, 326, 307, 506 of the Indian Penal
Code and Section 27 of the Arms Act later on 302 of the Indian
Penal Code was added on 08.05.2020.

Prosecution story in brief is that while husband of the
informant was coming from his office and reached near James
School near Bus Garriage Gate, due to speed breaker had



slowed the speed and in the meantime, 5-6 unknown miscreants started firing upon her husband. The informant's husband sustained gun shot injury and he was taken to Trauma Centre, Varanasi for treatment.

Learned counsel appearing on behalf of the petitioner submits that initially the case was registered against unknown under Section 307 and other allied sections of the Indian Penal Code and after five days of the occurrence, the victim died and Section 302 of the Indian Penal Code was added. Learned counsel for the petitioner refers to the statement of the wife of the deceased to impress upon that there is no eye witness of the occurrence and there is general and omnibus allegation is against 5-6 unknown miscreants who had fired on the husband of the informant. The petitioner is in custody since 06.03.2021. The name of the petitioner had surfaced during course of investigation on the basis of confessional statement of co-accused Bimlesh Kumar.

Learned counsel appearing on behalf of the informant submits that the conduct of the petitioner is not such that he should be released on bail as he has absconded for a long period of time and it is not expected that he will co-operate in conduct of trial.



Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case as well as the period of custody of the petitioner, the Court below is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dehri on Sone Rohtas in connection with Dehri Town (Indrapuri O.P.) P.S. Case No. 301 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

The Superintendent of Police, Rohtas at Sasaram is



directed to produce the petitioner whose trial has been bifurcated in this case and is being conducted separately on each date fixed by the trial Court.

Considering the apprehension made by the informant that the conduct of the petitioner in the past is very serious, he used to threaten the informant and her husband of dire consequences and subsequently the husband of the informant has died. The Superintendent of Police, Rohtas at Sasaram is directed to make all arrangements for protection of life and liberty of the informant. In case, any representation in this regard is made before him shall be disposed off in accordance with law assigning reasons.

(Purnendu Singh, J)

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