

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35038 of 2022

Arising Out of PS. Case No.-143 Year-2020 Thana- PHULWARIA District- Begusarai

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Bidhan Kumar Singh @ Bidhan Singh @ Bidhan Rai, Son of Ram Vilas Rai
@ Ram Vilash Rai, Resident of Village- Pipra Devas, Police Station- Barauni,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Raj Kumar Sinha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sessions Trial No. 556 of 2021, arising out of
Fulwaria P.S. Case No. 143 of 2020, registered for the offences
punishable under Sections 115 and 120B/34 of the Indian Penal
Code.

The prosecution case is based on a written report,
filed by the informant alleging therein that his wife was elected
as Mukhiya of Fulwaria Gram Panchayat and he remained



engaged in social work. However, for few days, he was suspecting that some persons have been tracking him. Later on, he came to know that the petitioner has taken contract to kill the informant from other co-accused persons for Rs. 10 lakhs, out of which Rs. 1 lakh had been given to the petitioner and rest of the amount would be given after commission of the offence.

Learned counsel appearing on behalf of the petitioner submits that in fact the name of the petitioner has been implicated in this case on account of election dispute, as the petitioner and others opposed the candidature of the wife of the informant. He next submits that even during the course of investigation, save and except suspicion, no cogent material has come against the petitioner and, moreover, the name of the petitioner has been implicated in this case only on account of his past criminal antecedent, though the petitioner is on bail in all the cases. He lastly submits that the petitioner is in custody since 23.12.2020 and the charges have already been framed and he is ready to give undertaking that he will fully co-operate in the trial.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation materials have come suggesting the complicity of



the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the period of incarceration, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- 1, Begusarai in connection with S.t. No. 556 of 2021, arising out of Fulwaria P.S. Case No. 143 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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