

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43990 of 2021

Arising Out of PS. Case No.-210 Year-2021 Thana- RAJIVNAGAR District- Patna

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Sunil Singh @ Kumar Sunil Singh Son of Shri Satya Narayan Singh Resident
of Village- Eakauna Kothi, Keshri Nagar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivam, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 18-01-2022 The applicant/accused in Crime No. 210 of 2021

registered with Rajeev Nagar Police Station for the offences

punishable under Sections 147/148/149/ 188/ 307 /420 /467 /

468/470/471 of the Indian Penal Code, Section 3 of the Public

Property Destruction Act and Section 27 of the Arms Act, by

this application is seeking his release on bail during pendency of

the trial.

Heard the learned counsel appearing for the

applicant/accused. He drew my attention to the FIR lodged by

the Bihar State Housing Board and argued that the applicant

has been implicated in the false case.

The learned Additional Public Prosecutor submits

that the matter is between the Bihar State Housing Board and

the applicant and the Bihar State Housing Board should be



made a party to the instant case. Except this no argument is advanced on behalf of the respondent-State.

I have considered the submissions so advanced and also perused the materials placed before me.

The prosecution is always conducted by the State and the first informant has no role to play except to bring to the notice of the State the cognizable offences. In the case in hand, the first informant had brought to the notice of the State the cognizable offence committed by the applicant. Despite query by this Court as to what is the status of the land the learned APP has shown disinclination to assist the Court by stating that it is a matter between the Housing Board and the applicant. The learned Additional Public Prosecutor is again reiterating the fact that it is the matter between the Bihar State Housing Board and the applicant. It is not pointed out as to what is the evidence against the applicant in the subject crime.

In this view of the matter, even from perusal of the FIR it is not seen that who has indulged in firing and who is injured in the incident. Prima facie, therefore, there is no case for the offence punishable under Section 307 of the Indian Penal Code as against the present applicant. Nothing is pointed out to show the complicity of the present applicant in



the instant crime. The FIR states that the present applicant and the other party had encroached on the government land belonging to the Bihar State Housing Board. If that is so, the authorities are free to take appropriate action.

In this view of the matter, further pretrial detention of the applicant is not warranted. Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 210 of 2021 registered with Rajeev Nagar Police Station be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat



commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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