

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46808 of 2021

Arising Out of PS. Case No.-35 Year-2016 Thana- BEERPUR District- Begusarai

BITTU SINGH Son of - Ramesh Singh Resident of Village- Ward No. -15,
Cheriy- Bariyarpur, Cheria- Bariarpur, P.S. - Cheriya - Bariyarpur, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-01-2022 This matter has been taken up today for
consideration through video conferencing.

Heard learned counsel for the petitioner and
learned APP for the State.

This Court would expect that the petitioner's
counsel would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Birpur P.S.
Case No. 35 of 2016 registered under Sections 302 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

There is a specific assertion of the learned counsel
for the petitioner, based on instructions that till date, no witness



has been examined at the trial.

The prayer for bail was earlier rejected on 22.12.2020. The petitioner continuous to be in custody since for more than two years today.

The submission is reiteration of the grounds urged at the last occasion that the petitioner has *suo motu* surrendered to the legal process and that his implication is much later at the time of recording of the re-statement of the informant, based on information derived from others who were there at the time of *barat* ceremony. The submission is that such implication is not sustainable in the eyes of law.

Learned APP has opposed the prayer for bail referring to the criminal antecedents of the petitioner.

Considering the entire conspectus of things, the period of custody and specific assertion that no witness has been examined at the trial till date, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-X, Begusarai in Birpur P.S. Case No. 35 of 2016, subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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