

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47670 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- SITAMARHI District- Sitamarhi

Ranjeet Kumar @ Ranjeet Singh @ Ranjeet Kumar Singh, Son of Sri Hari Narayan Singh @ Hari Singh Resident of Village - Nankar Simardh, P.S.- Suppi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Shah, Advocate.

For the Opposite Party/s : Mr. Anita Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2022 Heard Mr. Rajendra Prasad Shah, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

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

The petitioner apprehends his arrest in connection with Sitamarhi P. S. Case No. 82 of 2020 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that in the night of 31.01.2020 the son of the informant had gone to visit puja celebration, later on, the informant came to know that all the accused persons including this petitioner along with the some unknown miscreants shot his son due to previous enmity.



At the outset, learned counsel for the petitioner submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioner submits that the informant is not an eye-witness to the alleged occurrence and the name of the petitioner has implicated only due to suspicion. However, the Police after investigation submitted final form, as contained in annexure 2 to this application, showing the petitioner as innocent but differing with the final form, learned Magistrate has taken cognizance of the offences against this petitioner. It is further submitted that prior to the institution of this case, the petitioner had been made accused in one another case being Majoranj P. S. Case No. 178 of 2013 in which this petitioner has been acquitted.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that the learned Magistrate after having found materials available in the case diary has taken cognizance.

Having considered the submissions made on behalf of the parties and taking into account the fact that the informant is not an eye-witness of the alleged occurrence and moreover, the



Police after investigation submitted final form showing the petitioner as innocent and at present, this petitioner has no criminal antecedent, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 20,000/ (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P. S. Case No. 82 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioner.
- (ii) The petitioner will co-operate in the investigation as well as in conclusion of the trial.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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