

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50219 of 2021

Arising Out of PS. Case No.-235 Year-2020 Thana- MIRGANJ District- Gopalganj

DURGESH NANDAN SINGH Son of Bhagwan Singh Resident of Village-
Rupanchak, P.S.- Hathua, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the Informant	:	Mr Siddharth Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2022 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P.

for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 302, 120B/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The grand father of the informant is alleged to have
been killed by the F.I.R. named accused persons.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that there is general and omnibus allegation
against the petitioner and no specific allegation of assault is



attributed to the petitioner rather the specific allegation of firing is attributed to the co-accused, Arun Singh and Srikant Singh, who allegedly fired upon grand father of the informant resultantly he died. He further submits that petitionenr lodged Hathua P.S. Case No. 76 of 2019 agaisn the informant and his family members for that reason the petitionenr has been made accused in this case. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.06.2021.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that petitioner has actively participated in the murder of grand father of the informant and during course of investigation, it has also come that the petitioner along with his associates hatched a conspiracy to commit murder of grand father of the informant.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in



connection with Mirganj P.S. Case No. 235 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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