

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43646 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- PARBATTa District- Khagaria

PINKU SINGH @ SHIKESH SINGH @ TINKU SINGH @ PIKU SINGH @
PINTU SINGH Son of Late Lagina singh Resident of Village - Nayagaon
Rajput tola, Police Station- Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Parbatta
P.S. Case No. 128 of 2022 registered for the offences punishable
under Section 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

As per prosecution case,it is alleged that co-accused
Chiku Singh, Vikash Singh and Guddu Singh made firing as a
result of which the pellet of Chiku singh gave injury on the head,
pellet of Vikash singh gave injury on the hand and pellet of Guddu
Singh gave injury on the chest of victim Sanjay Chaudhary
(informant's brother). It is further alleged that petitioner and others



made firing to the informant and others.

Learned counsel for the petitioner submits that petitioner is in custody since 18.04.2022 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not the assailant of the deceased as there is allegation of firing against co-accused Chiku Singh, Vikash Singh and Guddu Singh. He further submits that there is no specific overt-act attributed against the petitioner. The allegation against the petitioner is general and omnibus in nature. Learned counsel for the petitioner further submits that much prior to filing of present case the petitioner has filed criminal case on 26.2.2021 against the brother of informant namely Rajesh Chaudhary, Sunil Chaudhary, Sanjay Chaudhary (deceased of the present case), Mantu Choudhary and others since then informant of the present case was nursing grudge against the petitioner and getting an opportunity to falsely implicate the petitioner in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not the assailant of the deceased, charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, Khagaria in connection with Parbatta P.S. Case No. 128 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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