

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57789 of 2021

Arising Out of PS. Case No.-210 Year-2020 Thana- GAURICHAK District- Patna

Braj Bhushan Singh Son of Late Mishri Singh Resident of Village - Hander,
P.s.- Gaurichak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Jay Ram Prasad, Advocate
For the Informant	:	Mr. Ranjit Kumar Singh, Advocate
For the State	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 448, 504, 506, 302, 120(B)/34 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant namely Dinesh Singh that on 16.07.2020 at about 5:00 P.M. he was sitting in his house with family members and at the same time accused Shashi Bhushan Singh, Gaurav Kumar, Ranju Devi and Rupa Kumari arrived and started abusing and asked



about where is Awadhesh they will not leave him. Thereafter the informant came out with Awadhesh Singh, then Ranju Devi, Rupa Kumari and Gaurav Kumar caught hold Awadhesh Singh and they gave order to Bhushan Singh to shoot Awadhesh Singh and accused Shashi Bhusan Singh shot Awadhesh Singh and he fell down. All the accused persons went away making firing and giving threatening to dire consequences. It is further alleged by the informant that the injured Awadhesh Singh was brought to Hospital where the doctor declared him dead.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation of firing is against co-accused namely Shashi Bhushan Singh. He further submits that there is no allegation of overt act against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.04.2021.

Learned counsel for the informant as well as learned APP for the State vehemently opposed the prayer for bail of the petitioner and submits that in fact the petitioner is in jail and he has threatened the family of the informant and for that purpose series of Sanha has been filed against the present petitioner.



Further submits that the petitioner carries three more cases other than the present one and till date charge has not been framed.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 13 of 2021 arising out of Gaurichak P.S. No. 210 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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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