

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59099 of 2021

Arising Out of PS. Case No.-252 Year-2018 Thana- WARISLIGANJ District- Nawada

Inardev Singh @ Indradev Singh @ Gabbar Singh Son of Raj Narayan Singh
Resident of Village - Daulatpur, P.S.- Warisaliganj, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, on 21.07.2018 the informant's younger brother Vivek Singh @ Vivekanand Kumar and Rajnish Kumar took the cow in the cowshed for taking milk and while they were tiring the cow, the accused Karu Singh, Mukesh Singh, Guddu Kumar, Mithilesh Singh, Indradev Singh, Tuntun Singh, Pintu Singh, Mantu Singh, Kundan Singh,



Mohan Singh, Anil Singh, Mithilesh Singh and 4-5 unknown accused persons suddenly surrounded the Sahan Land, most of them were armed with pistol. The accused persons surrounded Vivekanand Kumar and the accused Guddu Kumar, Subodh, Mukesh suddenly caught him and started firing upon him. Vivekanand rushed towards his house and tried to enter into the house but he fell down in the Gali near his door. Then all the accused persons caught him. The accused Guddu, Karu and Mukesh alongwith all the accused persons continuously fired upon Vivekanand Singh. The injured Vivekanand Singh was taken to the hospital where doctor declared him dead.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that allegation of firing against the co-accused namely Guddu Kumar, Subodh, Mukesh. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and at best the petitioner is the member of mob. He further submits that there is no eye witness of the alleged occurrence and there is admitted land dispute between the parties. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner



is in custody since 23.05.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Warisaliganj P.S. Case No. 252 of 2018, subject to 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 witnesses, 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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