

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59176 of 2021

Arising Out of PS. Case No.-213 Year-2019 Thana- ALAMNAGAR District- Madhepura

Anil Singh @ Anil Kumar Singh S/O Botal Singh R/O Village-Kurban, P.S-Beldor, District-Khagariya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in Virtual Court proceeding.

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 connection with Alamnagar P.S. Case No. 213 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the informant's husband Umesh Singh was sleeping alongwith his son at the Machaan on his Darwaja while th informant was sleeping inside. The informant heard the noise of her husband and then



came out of the room and saw that someone was pressing the neck of her husband while some were forcefully pressing his legs. When the informant raised alarm, the accused persons fired bullet over the informant's husband and fled away and informant's husband died on the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. there is no specific allegation against the petitioner and nothing has been recovered from the conscious possession of the petitioner. He further submits that occurrence took place on 07.08.2019 and then he was sent for postmortem on the same date and the F.I.R. was lodged after 10 days. It is further submitted that charge sheet has been submitted in this case against the petitioner and other co-accused persons. He further submits that similarly situated, co-accused, namely, Pintu Kumar @ Pintu Singh and Banarsi Singh have been granted bail by a co-ordinate Bench of this court vide order dated 02.09.2021 passed in Cr. Misc. No. 12070 of 2021 and order dated 10.08.2021 passed in Cr. Misc. No. 21415 of 2021. The petitioner is in custody since 23.03.2021.

The learned Additional Public Prosecutor vehemently



opposed the prayer for bail, submitting that petitioner carries three criminal antecedents.

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 Additional Chief Judicial Magistrate-I, Udakishenganj, Madhepura in connection with Alamnagar P.S. Case No. 213 of 2019, 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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