

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.60243 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- SAMHO District- Begusarai

NAVIN SINGH @ NABIN SINGH Son of Late Mahendra Pratap Singh
Resident of Village - Samho Sarlahi, P.S. - Samho, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rachana Saraswati, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 31-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Samho P.S. Case No. 30 of 2020 for the offence registered under
Sections 307/34 of the Indian Penal Code.

The allegation is regarding the petitioner and the co-
accused person namely Dilip Singh having arrived at the house
of the informant whereafter, they had asked the informant and
his son to accompany them to their house and accordingly, the
informant and his son had gone to the house of the petitioner
and his brother Dilip Singh on horses. It is further alleged that
subsequently, the informant and his son were told to get on their
horses and go away and while they were doing so, the co-
accused person namely Dilip Singh is alleged to have fired on
the informant resulting in the informant being inflicted with fire
arm injury.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the



present case and he is languishing in custody since 02.08.2021.

The learned counsel for the petitioner has, at the outset, referred to an order dated 21.05.2021 passed by a coordinate Bench of this Court in Criminal Misc. No. 10708 of 2021 to show that the co-accused person i.e. the brother of the petitioner who had fired on the informant, has already been granted bail. It is also submitted that the present case arises out of case and counter case and the counter case was lodged prior in time though it has been registered as Samho P.S. Case No. 31 of 2020. It is submitted that in course of investigation police did not find sufficient material and submitted a final form stating that the case was based on mistake of facts. However, learned Magistrate has differed with the police report and now has taken cognizance. Pointing out to the injury report (Annexure-5) learned counsel submits that all the injuries have been found to be simple in nature. It is also submitted that in the case registered by the petitioner, the police has submitted a charge-sheet against the informant of this case and cognizance has already been taken.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the case of the petitioner stands on a better footing than that of the co-accused person who has already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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 Sub Judge-VI, ACJM-IV, Begusarai in connection with Samho P.S. Case No. 30 of 2020.

(Mohit Kumar Shah, J)

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