

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52339 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- HARLAKHI District- Madhubani

RAVINDRA KUMAR SINGH Son of Yadunandan Singh R/V- Kashma
Marar, P.S- Khajauli, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav Mr.Ravi Prakash Mr.Rajesh Kumar
For the Opposite Party/s :		Mr.Nand Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph nos. 1 and 11 of the
petition in course of the day.

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 Harlakhi
P.S. Case No. 55/2021, S.T. No.60/2022 registered for the
offences punishable under Sections 307, 34 of the Indian Penal
Code and Sections 25(1-b)a, 26/27/35 of the Arms Act.

As per prosecution case, on 27.02.2021 the informant
was at his medicine shop, in the meantime, at about 6:50 PM six



persons came on two motorcycles and began to open fire upon the informant from pistol with intention to kill him. The informant hide himself. On hearing sound of firing, his wife Anita Devi began to cry. On hearing hulla, so many people assembled there then all the culprits fled away towards Basopath after firing in the air.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The petitioner and others were remanded in Khajauli P.S. Case No.31/2021 and co-accused Suman Kumar Yadav confessed before the police that petitioner and other co-accused persons were involved in the present case. He further submits that except confessional statement of co-accused there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner is languishing in custody since 20.07.2021 and bears criminal antecedent of three cases in which he is on bail. No incriminating article has been recovered from the possession or house of the petitioner. The petitioner has not put on T.I. Parade up till now. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution



evidence.

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

Considering the facts and circumstances of the case, period of custody, there is no incriminating articles has been recovered from the possession or the house of the petitioner, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Madhubani in connection with Harlakhi P.S. Case No. 55/2021, S.T. No. 60/2022 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)

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