

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67265 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- FATUA District- Patna

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BINAY SINGH @ BINAY PRASAD S/o Raj Deo Singh R/o Village- Jaggu
Bigha, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rananjay Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 147, 148 and 149 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated that sixteen named accused persons including the petitioner herein surrounded the house of the informant and resorted to indiscriminate firing. On seeing the wife of the informant coming, it is stated that Vinay Singh, Mukesh Singh called others. Thereafter, Kundan fired on her hitting her in her head. She died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case.



Accepting the allegations of the FIR for the sake of argument, it is Kundan who is said to be the assailant of the deceased. The petitioner is in custody since 27.3.2021. Chargesheet has been submitted in the case.

On query by the Court, it is submitted by learned counsel for the petitioner that in the trial in the learned trial court, three witnesses have been examined on behalf of the prosecution.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations levelled against the petitioner in the FIR together with the petitioner having remained in custody for more than 1 year, the petitioner is directed to be enlarged on bail in connection with S.Tr. no. 487 of 2021 (arising out of Fatuha P.S. Case no. 177 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I, Patna City.

In view of the trial having commenced in the learned trial court, it is directed that the petitioner shall remain physically present in court on each date of the trial and shall



cooperate in the trial.

In case the petitioner is absent on any date for reasons not to the satisfaction of the learned trial court or in case the learned trial court is of the opinion that the trial is being delayed due to non cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Spd/-

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