

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2146 of 2023

Arising Out of PS. Case No.-91 Year-2021 Thana- IMADPUR District- Bhojpur

BISWANATH SINGH S/o Late Rajeshwar Singh R/o Village- Moap Kalan
(Meap Kalan), P.S.- Imadpur, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the
State.

The petitioners are in judicial custody in connection with Imadpur P.S. Case No. 91 of 2021 registered under sections 147, 148, 149, 302, 504, 506 of the Indian Penal Code and section 27 of the Arms Act.

As per the FIR, on 18.7.2021 the informant along with his father and cousin went out for inspection of their field, the co-accused Dipak Kumar Singh, Biswanath Singh and Satyanand Singh along with some other accused persons armed with deadly weapons reached there and started firing at them. They tried to save themselves, in the meantime, co-accused Dipak Kumar Singh fired at his father Jagdeo Singh, causing injury to his waist, as a result, he fell down with pool of blood



and thereafter co-accused Biswanath Singh and Satya Nand Singh also fired at them with intention to kill them and fled away. Later, the father of the informant was admitted in a private clinic where he died on account of his injury.

Earlier, the bail application was rejected on 25.5.2022 in Cr. Misc. No. 71158 of 2021.

So far as the present petitioner is concerned, learned counsel for the petitioner submits that the post-mortem report shows there was single wound on the person of the deceased and as per the FIR, the informant has made specific allegation that it was Dipak Kumar Singh who opened fire which actually hit the informant's father and caused his death.

He further submits that although there is allegation against this petitioner also, in view of the said post mortem report and also the fact that he has been in custody since 29.7.2021 (as stated in para-10 of the bail application), has clean antecedent, he may be granted bail with further undertaking that he will be appearing in the trial on every date and failure to do so, the Court would be at liberty to cancel his bail bonds.

The learned APP on the other hand opposes the prayer stating that there is allegation of firing against the petitioner.



Taking into account the period of custody as also the fact that he do not have any criminal antecedent, as per FIR, it was Dipak Kumar Singh who gave fatal blow and the post mortem report supports the said prosecution theory, this Court is inclined to grant him the privilege of bail subject to the conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Imadpur P.S. Case No. 91 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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