

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4428 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- AMBA District- Aurangabad

AAKASH KUMAR SINGH Son of Late Sanjay Kumar Singh @ Munna Singh R/v- Hariya, P.S.- Amba, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Shankar Prasad, Advocate Mr. Brajesh Prasad Gupta, Advocate Mr. Sanchay Srivastava, Advocate Mr. Saurav Shuman, Advocate Mr. Sushant Srivastava, Advocate Mrs. Prernakant, Advocate Mr. Santosh Kumar Pandey, Advocate
For the Informant	:	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner, learned counsel appearing for the informant and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 12.10.2022 in connection with Amba P.S. Case No. 191 of 2022, F.I.R. dated 06.08.2022 for the offences punishable under Sections 302, 307/34 of the Indian Penal Code.

According to prosecution case, four persons on two motorcycles came there and started opening fire on the informant, her husband and one Chandan Kumar. The informant fortunately did not receive injury, whereas her husband died sustaining fire arm injury. Chandan Kumar also received injury



and he identified co-accused Akash Kumar Singh and Chunna Singh, who opened fire on the person of the informant. The allegation is said to have taken place due to previous enmity between Akash Kumar Singh and the family members of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to admitted previous dispute and the political rivalry between the parties. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact the petitioner was not present at the place of occurrence. He further submits that petitioner was in Mahakal Ujjain (Madhya Pradesh) on the date of occurrence i.e. on 05.08.2022 and he has annexed the Air Tickets as well as boarding pass which shows that the petitioner was fly from Varanasi to Ujjain on 05.08.2022. He further submits that it has come during investigation in para 458 of the case diary the independent witness states that the petitioner was not present at the place of occurrence and other co-accused persons namely, Vaibhav Pandey, Raushan Pandey, Arjun Singh, Chandan Mehta, Sujeet Mehta, Shubham Singh and Golu Shukla was present. He



further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.10.2022.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has fired upon the victim and the injured person also support the allegation as alleged in the F.I.R. but fairly submits that the charge has been framed against the petitioner. She further submits that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, it has come during investigation in para 458 of the case diary the independent witness states that the petitioner was not present at the place of occurrence, due to admitted previous dispute and the political rivalry between the parties petitioner has falsely been implicated in the present case, 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 Chief Judicial Magistrate, Aurangabad in connection with Amba P.S. Case No. 191 of



2022, 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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