

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5481 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- GAYA MUFASIL District- Gaya

PRATIK SINGH @ AMAN KUMAR S/O SRI DINBANDHU KUMAR @
DINBANDHU KUMAR SINGH R/v- Janakpur, P.S.- Muffasil, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard Mr. Ajay Kumar Thakur, learned Senior
counsel for the petitioner, Mr. Shardanand Mishra, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody
since 07.11.2022 in connection with Gaya Muffasil P.S. Case
No.415/2022, F.I.R. dated 21.06.2022, for the offences
punishable under Sections 341, 323, 307, 452, 504, 34 of the
IPC & Section 27 of the Arms Act. Later on Section 302 of the
IPC was added.

According to prosecution case, on the order of co-
accused persons, namely, Dinbandhu Kumar and Manoj Kumar,
the petitioner has fired upon the informant and thereafter the



petitioner along with his son fled away. Thereafter the accused persons resorted to four round of firings and one of the said firing caused injury on the right hand of the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the date of occurrence in the F.I.R. is 21.06.2022 and the uncle of the petitioner, who was injured in the present case has died on 10.01.2023 after six months of the alleged occurrence. He further submits that the informant is also own uncle of the petitioner and the allegation as alleged in the F.I.R. is false and fabricated. He further submits that the medical evidence of the deceased does not support the allegation as alleged in the F.I.R. and cause of death as mentioned in the postmortem examination:-

OPINION:-

1. Cause of death:- was severe multi organ failure following chronic liver disease and its complications.
2. as per postmortem findings the cause of death not consistent and cannot be attributed precisely as alleged for inquest paper by police.
3. Time since death:- 12 hours to 24 hours (approx).



He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.11.2022.

Learned counsel for the informant and learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that in the F.I.R. there is direct allegation against the petitioner that he fired upon the deceased but fairly submits that the deceased died after six months of the alleged date of occurrence.

Considering the aforesaid facts and circumstances, 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 J.M.1st Class, Gaya in connection with Gaya Muffasil P.S. Case No. 415/2022, 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)

amit/-

U		T	
---	--	---	--

