

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5903 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- BIHTA District- Patna

Subodh Singh @ Subodh Kumar Son of Mr. Ram Kumar Singh R/v-
Natthupur, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :		Mr. Harendra Prasad, APP
For the Informant	:	Mr. Priya Ranjan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-07-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner, Mr. Priya Ranjan Kumar, learned counsel
appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
27.03.2022 in connection with Sessions Trial No. 894 of 2022
arising out of Bihta P.S. Case No. 288 of 2022, F.I.R. dated
26.03.2022 for the offences punishable under Sections 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.



According to prosecution case, when the husband of the informant went to ease himself, then four accused persons including this petitioner caught him hold and this petitioner fired three round on him, resulting into his death.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to previous admitted land dispute between the parties. He further submits that it has come during investigation that no one has seen the occurrence, even the informant is not the eye witness of the alleged occurrence. He further submits that all the witnesses have stated in paragraph no. 12 and 13 of the case diary that they have saw the petitioner and other accused persons fleeing away from the place of occurrence but none of them has stated that they saw that the petitioner has fired upon the victim. He further submits that it has come during investigation in paragraph 64 of the case diary that the son of the deceased has stated that Ramjee Singh @ Ramjee Sharma was not present at the place of occurrence and the said Ramjee Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 10.01.2023 passed in Cr. Misc. No. 40183 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner.



The petitioner is in custody since 27.03.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and in fact, there is direct allegation against the petitioner that he has fired upon the victim. They further submits that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

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 Additional Sessions Judge-V, Danapur District-Patna in connection with Sessions Trial No. 894 of 2022 arising out of Bihta P.S. Case No. 288 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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