

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7453 of 2023

Arising Out of PS. Case No.-160 Year-2018 Thana- HATHUA District- Gopalganj

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VIR SINGH @ VISHAL SINGH S/o Ram Pravesh Singh R/o village-
Matihani Madho, P.S.- Mirganj, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120(B)/34 of the Indian Penal Code and Sections 27, 25(1-b)a/26/35 of the Arms Act.

According to FIR, the informant alleged that three persons including the petitioner came on a motorcycle and fired at his brother Upendra Singh due to which he died during course of treatment. The enmity arising out of the last election was reason for the occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case due to previous enmity between the parties. The informant posed himself as eye-witness of the occurrence but the inquest and seizure does not show that the informant is also a witness. None of the witnesses claimed to have identified the petitioner as assailant. During course of investigation, no any cogent material has come against the petitioner to connect him with the alleged occurrence. Moreover, similarly situated co-accused namely, Karan Singh has already been granted bail by a co-ordinate Bench of this Court vide order 3.6.2019 passed in Cr. Misc. No. 19667 of 2019 and in support of this Annexure-2 series has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 14.1.2020.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Hathua P.S. Case No. 160 of 2018 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the
satisfaction of learned J.M. 1st Class, Gopalganj.

(Sunil Kumar Panwar, J)

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