

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15295 of 2023

Arising Out of PS. Case No.-112 Year-2022 Thana- BARHARA District- Bhojpur

Gopal Singh Son of Sanjay Singh Resident of Village - Nathamalpur, P.S.-
Barahara, District - Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Sr. Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Barhara P.S. Case No. 112 of 2022 registered on 14.02.2022 for the alleged offences under Sections 394 & 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, while the informant was coming to his house taking his tractor after unloading sand, two miscreants on a motorcycle intercepted his tractor and demanded money and mobile phone at gunpoint. When the informant showed his inability to give them money and mobile phone, one of the miscreants shot at the informant in his chest and miscreants ran away from the spot. Later on the informant succumbed to his injuries. During investigation, the name of the



petitioner surfaced as one of the accused persons involved in the occurrence.

4. Learned senior counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case and his name came up in the confessional statement of co-accused Arvind Singh who was also not named in the FIR. During investigation, it also transpires that informant did not state the name of the petitioner rather he disclosed the names of two co-accused persons, namely, Arvind Singh and Rishi Muni Ram. It has also come up during investigation that allegation of firing is against co-accused Arvind Singh. Test Identification Parade was not conducted to establish the identity of the assailants. Learned senior counsel further submits that even during his restatement the deceased took the name of only Arvind Singh and Rishi Muni Ram and did not take the name of the petitioner. The petitioner is in custody since 26.06.2022 and charge-sheet has been submitted. The petitioner has got one criminal case against him in which he is on bail.

5. Learned APP opposes the prayer for bail submitting that the name of the petitioner surfaced during investigation and there appears allegation of firing against this petitioner.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material on record against the petitioner and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/court concerned in connection with Barhara P.S. Case No. 112 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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