

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16766 of 2023**

Arising Out of PS. Case No.-75 Year-2022 Thana- NAYAGAON District- Begusarai

SHIV KUMAR SINGH S/O LATE GANGA SINGH R/v- Sonapur Dih, P.S.-
Nayagaon, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha, Advocate
For the Informant	:	Mr. Bipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
01.11.2022 in connection with Nayagaon P.S. Case No. 75 of
2022, F.I.R. dated 11.10.2022 for the offences punishable under
Sections 302, 120B/34 of the Indian Penal Code and Section 27
of the Arms Act.

According to prosecution case, as per FIR, the
prosecution case lodged against the accused persons including
the petitioner for causing death of the informant's father namely,
Vijay Kumar Singh by shot fire. It is further alleged that the
petitioner is indulged in hatching conspiracy to kill the



informant's father in connivance with others.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the allegation against the petitioner is that he has shot fired upon the back side of the father of the informant and thereafter, co-accused persons namely, Prahlad Singh, Ranjit Singh, Rakesh Kumar @ Gonga and Vivek Kumar @ Batohi had fired upon the head of the father of the informant. He further submits that the father of the informant has died due to fire arm injury which was found on the head of the deceased and the allegation against the petitioner is that he has fired upon the back side of the father of the informant. He further submits that petitioner is 70 years old person and he is suffering from number of the deceases. He further submits that similarly situated, co-accused, namely, Hareram Singh against whom the allegation that he has watching the episode, has been granted bail by a co-ordinate Bench of this Court vide order dated 11.05.2023 passed in Cr. Misc. No. 4982 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 01.11.2022.

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 filed upon the father of the informant. He further submits that the petitioner carries two criminal antecedents other than the present one, in which the petitioner is on bail in both the cases.

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 Miss Neha Nayyar, the learned Judicial Magistrate, 1st Class, Begusarai in connection with Nayagaon P.S. Case No. 75 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)

mdrashid/-

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

