

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19459 of 2022

Arising Out of PS. Case No.-108 Year-2021 Thana- HARSIDHI District- East Champaran

RUPAM SINGH @ CHHOTAN SINGH, Son Of Late Nand Kishore Singh @
Mukul Singh, R/O Village- Raghunathpur, P.S.- Raghunathpur, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate
For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 09-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Harsidhi P.S.
Case No. 108 of 2021 registered for the offence punishable under
Sections 302 and 34 of the Indian Penal Code and Section 27 of the
Arms Act.

There is an allegation that FIR named accused persons
with four unknown criminals have come to the informant's shop and
fired upon her husband. Co-accused Surendar Singh is stated to have
fired from his pistol which hit the deceased on his head and neck.

Learned counsel for the petitioner submits that in
investigation the petitioner has been named an accused on statement
of co-accused Jitendra Kumar, recorded in police custody. Apart from
that, the only material is petitioner's own confessional statement. It is
submitted that petitioner's implication is based on the antecedents of
the petitioner, total 7 as per disclosure made in paragraph 3 of the
bail application. Informant has stated the name of accused persons
but not about the petitioner. Similarly situated co-accused Chandan
Sahni has been allowed bail in *Cr. Misc. No. 5653 of 2022*. The co-



accused Jitendra Kumar, who has named the petitioner, has also been allowed bail in *Cr. Misc. No. 71720 of 2021*. In the instant case, the petitioner is in custody since 02.11.2011.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner's confessional statement, viewed in the background of his antecedents, should form consideration for rejection of petitioner's prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 Chief Judicial Magistrate, East Champaran at Motihari, in connection with Harsidhi P. S. Case No. 108 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

shashank/-

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

