

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18718 of 2023

Arising Out of PS. Case No.-74 Year-2021 Thana- MATIHANI District- Begusarai

Shankar Singh, Son of Late Sonelal Singh @ Sona Singh, Resident Of
Village- Ward No. 6 Ramdiri Tola, Nakti, P.S.- Matihani , District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S. K. Lal, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Ram Sumiran Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-04-2023 Heard Mr. S. K. Lal, learned counsel appearing on behalf of the petitioner and Mr. Ram Sumiran Singh, learned counsel for the informant as well as the learned APP for the State.

This is the second attempt on behalf of the petitioner, renewing his prayer for bail in connection with Matihani P.S. Case No. 74 of 2021 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Earlier the prayer for bail of the petitioner was turned down after taking into consideration the specific nature of accusation and the multiple criminal antecedent of the petitioner.

It is submitted at the bar that the petitioner is in



custody for over a period of two years and till date save and except the commitment, nothing has been done. He further submits that though the prayer for bail of the petitioner was already rejected on merit and, as such, he is not addressing the Court on the point of merit, however, so far the thirteen cases, which are said to have been pending against the petitioner, he has been acquitted in eight of the cases, apart from the fact that in three cases the informant are also co-accused. He next submitted that he is ready to give undertaking that he will fully co-operate in the trial and remain present on all the dates in which his presence would be required.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that there is specific allegation against the petitioner and there is no overwhelming circumstances warranting this Court to renew his prayer for bail and release of the petitioner would may cause danger to the life of the informant.

At this juncture, learned counsel for the petitioner submits that at present the informant is also behind the bar as he is also accused in other criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact



that out of thirteen cases, the petitioner has been acquitted in altogether eight cases and there is no likelihood of conclusion of the trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate – 1st Class, Begusarai in connection with Matihani P.S. Case No. 74 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(vi) He shall visit the nearest Police Station in the first week of every month to mark his attendance for next six months.

(Harish Kumar, J)

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