

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22193 of 2023

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

Shashi Singh @ Suresh Singh @ Soshi Singh, Son of Late Ram Sagar Singh,
R/V- Sonapur Dih, PS- Nayagaon Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Devendra Kumar, Advocate
For the State	:	Mr.Anand Kishore Choudhary, APP
For the Informant	:	Mrs. Sarita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Nayagaon P.S. Case No. 75 of 2022, registered for the alleged offences under Sections 302, 120 (B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the informant and his father went for morning walk and while they were returning, five miscreants on two motorcycles surrounded the father of the informant and all of them were armed. Further allegation is that co-accused persons opened fire causing the death of the father of the informant at the spot. The allegation against the petitioner and the co-accused Hareram Singh is that they were keeping



watch and both were armed. The occurrence took place in the background of the murder of younger brother of the informant in which the father of the informant was a witness and he was threatened by the accused of that case not to depose before the court.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution case is suspect as the informant does not appear to be an eye witness. The petitioner was not even present at the time of occurrence and at the place of occurrence. The informant has falsely made the petitioner as accused in order to take the revenge. The learned counsel further submits that there is no allegation of any overt act against the petitioner even in the FIR. The allegation of firing is against other accused person. Similarly placed co-accused person Hareram Singh has been granted bail by a Coordinate Bench of this Court vide order dated 11.05.2023 passed in Cr. Misc. No.4982 of 2023. The petitioner is in custody since 11.10.2022 and the charge sheet has been submitted. The petitioner has got no criminal history.

5. Learned A.P.P. and learned counsel for the informant vehemently oppose the prayer for bail. The learned counsel for the informant submits that the petitioner is named in



the FIR and he was keeping watch while the occurrence was caused by other co-accused persons.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no specific overt act has been attributed to the petitioner and the allegation is quite vague and further considering the grant of bail to the similarly placed co-accused by a Coordinate Bench and also considering the period of custody and submission of charge sheet along with clean antecedent of the petitioner, he 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, Begusarai, in connection with Nayagaon P.S. Case No. 75 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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)

V.K.Pandey/-

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