

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34585 of 2023

Arising Out of PS. Case No.-429 Year-2019 Thana- BIDUPUR District- Vaishali

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Survir Singh @ Surjvir Kumar @ Survir Kumar, aged about, 26 years, Male,
Son of Baliram Das Resident of village-Dhamapur, P.S.-Patori, District-
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashutosh Kumar, Advocate

For the Opposite Party : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bidupur P.S. Case No. 429 of 2019 dated 28.10.2019, instituted
for the offence punishable under Section 307 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on
28.10.2019 at 12:45 pm while the informant was carrying 10 Kg
wheat and 20 Kg rice on his bicycle, he heard some gun-shots
and inflicted gun-shot injury on his left leg below his knee but
three unknown miscreants firing gun-shots successfully fled
away on motorcycle.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. The name of the petitioner transpires in this case only on the basis of confessional statement of another co-accused. Nothing has been recovered from the possession of the petitioner. Till date, no ***Test Identification Parade (T.I.P.)*** has been made yet. Lastly, it has been submitted that the petitioner is in custody since 12.09.2022, charge-sheet has been submitted in the case and he has ten criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in Bidupur P.S. Case No. 429 of 2019, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood



relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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