

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26894 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- HARLAKHI District- Madhubani

Shatrughan Kumar Singh, Gender-Male, Aged about 32 Years, Son of
Rajendra Singh @ Rajendra Prasad Singh R/o- Balwa Tole, Malmal, P.S.-
Kaluahi, Dist- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ratanakar Jha, Advocate

For the Opposite Party : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Harlakhi P.S. Case No. 228 of 2022 dated 28.07.2022, instituted for the offence punishable under Sections 307 & 34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. The prosecution case, in short, is that while the informant along with his brother were going to home on motorcycle after closing their shop, two miscreants came on motorcycle and one of them fired upon informant's brother due to which, he sustained gunshot injury. Thereafter, this case has been registered against unknown.

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 transpired in this case only on the basis of the confessional statement of another co-accused, namely, Rohit Kumar Yadav. No incriminating articles have been recovered from the conscious possession of the petitioner. Further, it is submitted that another co-accused, namely, Rohit Kumar Yadav has already been granted bail by a Co-ordinate Bench of this Court *vide Order dated 28.02.2023 passed in Criminal Miscellaneous No. 70734 of 2022*. Lastly, it has been submitted that the petitioner is in custody since 17.02.2023, charge-sheet has been submitted in the case and he has one 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 Judicial Magistrate-1st Class, Madhubani in Harlakhi P.S. Case No. 228 of 2022, subject to the following conditions:-

(i) 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.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) 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.

(iv) 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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