

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32045 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- BIHARIGANJ District- Madhepura

BAUA SINGH @ RAJEEV KUMAR S/o Ajay Kumar Singh @ Ajay Singh
Resident of Village- Shahpur, Ward No.9, P.S.- Gwalpara, District-
Madhepura. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 468, 394, 302 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, when the brother of the
informant went to his plot at Gwalpara, three persons waylaid
him and started looting him on gun point. When he made
protest, one of the accused persons fired bullet upon him, which
hit on his waist. Thereafter the accused persons fled away.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. The petitioner is not named in the F.I.R. He further submits that the name of the petitioner has been transpired during investigation on the confessional statement of co-accused namely, Aman Singh @ Pushpraj Anand. He further submits that nothing incriminating article has been recovered from the possession of the petitioner or from his house. He further submits that the co-accused, namely, Aman Singh @ Pushpraj Anand has been granted bail by a co-ordinate Bench of this Court vide order dated 03.08.2022 passed in Cr. Misc. No. 6246 of 2022 and the petitioner has been remanded in the present case from Chousa P.S. Case No.57/2021. The petitioner is in custody since 22.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Bihariganj P.S. Case No. 86/2021, arising out of S.Tr. No.224 of 2021,



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 shall remain physically present as directed 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. 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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