

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39819 of 2023**

Arising Out of PS. Case No.-71 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Ramesh Singh @ Golki Singh Son of Rajendra Singh @ Khopdi Singh
Resident of Village- Babhangama, Ps- Nowkothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 18-09-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
28.07.2022 in connection with Nowkothi P.S. Case No. 71 of
2021, F.I.R. dated 27.05.2021 for the offences punishable under
Sections 307, 326 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. According to prosecution case, this petitioner in
conspiracy with other co-accused persons have fired upon the
informant. It is further alleged that the co-accused, Chikku
Singh fired from his pistol which touched the informant's neck
and he got injured.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is the father of the co-accused, namely, Chikku Singh. He further submits that from perusal of the F.I.R it appears that there no acquisition of any assault or overt act attributed agianst the petitioner rather there is direct allegation against the co-accused, namely, Chikku Singh and Keshav who have fired upon the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.07.2022.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor on the basis of material available on record and the case diary have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the father of the co-accused, Chikku Singh who has fired upon the informant and it appears that the petitioner is the habitual offender and apart from the aforesaid the petitioner carries 16 criminal antecedents other than the present one but fairly submits that out of 16 cases, he is acquitted in three cases by the Trial Court, in one case, police has submitted the final form in favour of the petitioner and in 10



cases he is on bail and only two cases are pending for consideration.

6. 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 Judicial Magistrate 1st Class, Begusarai in connection with Nowkothi P.S. Case No. 71 of 2021, 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 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.

ii. 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.

iii. 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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