

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38530 of 2023

Arising Out of PS. Case No.-252 Year-2018 Thana- WARISLIGANJ District- Nawada

RAJESH SINGH Son of Amesh Singh @ Umesh Singh Resident of village -
Dhurihar, P.S. - Hisua, Distt. - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritwik Thakur, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023

Heard the parties.

The petitioner is in custody since 5.2.2023 in connection with Warisaliganj P.S. Case No. 252 of 2018 for the offence punishable under Sections 302/34 of the I.P.C. and 27 of the Arms Act lodged on 22.7.2018 by the informant Rajesh Prasad,

The prosecution story, in brief, is that on 21.7.2018 the informant's younger brother Vivek Singh @ Vivekanand Kumar and Rajnish Kumar took the cow in the cowshed for taking milk and while they were tying the cow, the accused Karu Singh, Mukesh Singh, Guddu Kumar, Mithilesh Singh, Indradev Singh, Tuntun Singh, Pintu Singh, Mantu Singh, Kundan Singh, Mohan Singh, Anil Singh, Mithilesh Singh and 4-5 unknown accused persons suddenly surrounded the Sahan



Land, mostly armed with pistol.

The accused persons surrounded Vivekanand Kumar and the accused Guddu Kumar, Subodh, Mukesh suddenly caught him and started firing upon him. Vivekanand fled towards his house and tried to enter inside but fell down near the door. All the accused persons caught him and the accused Guddu, Karu and Mukesh along with all others fired indiscriminately. The injured was taken to the hospital where doctor declared him dead.

It has been contended by Mr. Ritwik Thakur, learned counsel for the petitioner that as per the FIR, the named accuseds fired upon the deceased causing his death.

It is his submission that subsequently during investigation the name of the petitioner has come and it is his categorical statement that his name does figure in the FIR. Further, some of the accuseds namely Raghunath Singh in Cr. Misc. No. 79770 of 2019 and Indradeo Singh in Cr. Misc. No. 59099 of 2021 have been granted bail.

The last submission is that he do not have criminal antecedent.

Learned APP opposes the prayer but concedes that his name does not figure in the FIR.



Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, is in custody since 5.2.2023 (as stated in para-16 of the bail application), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Warisaliganj P.S. Case No. 252 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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