

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37349 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SUSHIL SINGH SON OF LATE JAY CHANDRA SINGH RESIDENT OF
VILLAGE- AHYAPUR TOLA DHARMPUR, P.S.- SAHEBGANJ,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Yashraj Bardhan
	:	Mr. Abhishek Kumar Srivastava
For the Informant	:	Mr. Ashutosh Kumar
For the Opposite Party/s	:	Mr.Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sadar
P.S. Case No. 171 of 2020 registered for the offences punishable
under Sections 302/34 of the IPC and Section 27 of the Arms
Act.

As per prosecution case, informant's son has been
killed by the petitioner and others.

Learned counsel for the petitioner submits that
petitioner is in custody since 15.02.2022 as mentioned in



impugned order. Petitioner bears one criminal antecedent which was lodged by the son of informant of this case in which police has submitted final form. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is a case and counter case between both the parties prior to the alleged occurrence. More over previous enmity cannot be ruled out. Petitioner and informant are neighbour. Learned counsel further submits that except suspicion there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Co-accused Chandan Kumar and Hemant Kumar have already been granted anticipatory bail vide Cr. Misc. No. 6239 of 2021 and Cr. Misc. No. 35015 of 2022 respectively by co-ordinate bench of this court and the case of present petitioner stands on better footing keeping in view that present petitioner is in custody since 15.02.2022.

The learned A.P.P. for the State and learned counsel for the informant vehemently oppose the prayer for bail of the petitioner and submit that petitioner and others have committed the murder of informant's son.

Considering the facts and circumstances of the case



as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused persons on similar allegation have already been granted anticipatory bail and on the principle of parity I have no reason to refuse the bail of the present petitioner, argument advanced on behalf of both the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Muzaffarpur or the successor court in connection with Sadar P.S. Case No. 171 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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