

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45263 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- PUNAURA District- Sitamarhi

Narendra Singh Son Of Raghunath Singh Resident Of Village Khairwa Ward
No 11, Ps- Punaura, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shankar Kumar, Advocate
For the Opposite Party/s :	Mr. Choubey Jawahar, APP
For the Informant :	Mr. Pushpendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2023 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. 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.

3. Petitioner seeks bail who is in custody since
02.01.2023 in connection with Punaura P.S. Case No. 384 of
2022, F.I.R. dated 30.12.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

4. According to prosecution case, this petitioner along
with other accused persons have murdered the son of the



informant due to some previous dispute. It is further alleged that this petitioner and his wife were the order giver and on their instruction, co-accused Raja Kumar has fired upon the son of the informant due to which he died.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the petitioner and his wife are the order giver and on their instruction, one co-accused, Raja Kumar has fired upon the son of the informant. He further submits that there is no acquisition of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Babita Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 21448 of 2023 and another co-accused, namely, Manoj Ray @ Anuj Kumar who has caught hold of the son of the informant has been granted bail by a co-ordinate Bench of this Court vide order dated 27.06.2023 passed in Cr. Misc. No. 31269 of 2023. The petitioner is in custody since 02.01.2023.

6. The learned counsel appearing on behalf of the



informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one.

7. 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 Chief Judicial Magistrate, Sitamarhi in connection with Punaura P.S. Case No. 384 of 2022, 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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