

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42577 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- DHOLBAJJA District- Bhagalpur

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VARUN KUMAR SINGH @ BARUN KUMAR SINGH @ BARUN SINGH
S/O LATE RAMDEV SINGH Resident of village- Shripur Ward No.- 2
dealer road tola, P.S.- Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh

For the Opposite Party/s : Mr.Anil Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 21-03-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

This is an application for regular bail on behalf of
the petitioner for the offences alleged under Sections 302 and
307/34 of the Indian Penal Code including Section 27 of the
Arms Act, registered in connection with Dholbajja (Kadwa)
P.S.Case No. 09 of 2021.

As per allegation, when the informant along with his
brother Khokha Singh(deceased) were returning to their house
on a bike, three accused persons, namely, Raushan Kumar, Ajay
Singh and Pulish Singh, who were on a motor-cycle, and the
accused persons, namely, Deep Narayan Singh, Umesh Singh,
Sunil Singh, Anil Singh and Bablu Singh, who were in Scorpio



vehicle, stopped the bike of the informant. Co-accused Ajay Singh opened fire with a country-made pistol at Khokha Singh, who fell down from the motor-cycle. Thereafter, co-accused Rajnish Kumar and Abhishek Kumar attempted to catch hold of Khokha Singh, but on hue and cry, they fled away from the scene of occurrence. The injured Khokha Singh died on way to the hospital.

The learned counsel for the petitioner has submitted that in paragraph nos. 72, 92, 109 and 123 of the case diary only thing which emerged against the petitioner is that the spy apprised the police party the name of the petitioner and except that there is no material against the petitioner. He has been made accused only because his name has figured in some other cases, which have been mentioned in paragraph nos.3 of the bail petition.

It appears that the petitioner is not named in the FIR, whereas the names with specific allegation have been mentioned in the FIR by the informant. The name of the petitioner has figured only on the basis of the statement of the spy and except that, there is no material against him.

On the other hand, learned APP has opposed the prayer for bail.



Considering the above 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 Sri Kumar Pankaj, learned Judicial Magistrate 1st Class, Naugachia, Bhagalpur in connection with Dholbajja (Kadwa) P.S.Case No. 09 of 2021, subject to the following conditions:-

1. The petitioner shall cooperate in the disposal of trial and make available as and when required by the court.
2. If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.
- 3. The petitioner shall appear physically on each and every date fixed at the trial, and if he fails to**



**appear on two consecutive dates
without any reason or unavoidable
circumstances, the court below
shall be at liberty to cancel his bail
bond.**

(Nawneet Kumar Pandey, J)

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