

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51763 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- AMBA District- Aurangabad

Sanat Kumar Singh @ Shubham Singh @ Sanni Son of Jai Kumar Singh
Resident of village - Mohammad Ganj, Bhajania, P.S. - Mohammad Ganj,
Dist. - Palamu, Jharkhand, Pin Code - 822115

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Shalini, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023 Heard Ms. Kumari Shalini, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh learned APP for the

State.

The petitioner is in judicial custody in connection
with Amba P.S. Case No.191 of 2022 instituted under Sections
302, 307, 34 of the IPC and Section 27 of the Arms Act lodged
on 06.08.2022 by the informant Suman Kumari.

As per the prosecution story, the informant alleged
that after marketing, while she was returning along with her
husband, accused persons on two motorcycles came and opened
fire. She made specific allegation against Aakash Kumar Singh
of opening fire. It is her further allegation that Chandan Kumar
also sustained injury and fell down. He disclosed the name of
Aakash Kumar Singh and Chanu Singh alleging they opened



fire. Her husband was taken to the Sadar Hospital where the doctor declared him dead. Accordingly, the FIR.

Learned counsel for the petitioner submits that accused persons have been named by the informant who opened fire which injured Chandan and caused the death of her husband. So far as this petitioner is concerned, he has not been named in the FIR, rather one Shubham Singh who was apprehended in course of investigation gave his name. He has suffered by being in custody since 20.10.2022 (para-12 of the petition). The last submission is that similar placed co-accuseds including Shubham Singh (Cr. Misc. No.1345 of 2023) has since been released by co-ordinate benches as would reflect from Annexure-2 Series.

Learned APP opposes the prayer for bail stating that there is killing and injury to the informant's side.

Considering the prosecution case, the submissions put forward by the learned counsel for the petitioner, the specific allegations are there against the accused persons, the name of the petitioner has come in the confessional statement of the Shubham Singh who has since been granted bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing



bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Amba P.S. Case No.191 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, subject to 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 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 the bail bonds.



Before parting, this Court would like to put on record its word of appreciation for Ms. Kumari Shalini, learned counsel appearing on behalf of the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Prakash Narayan

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