

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45175 of 2022

Arising Out of PS. Case No.-6 Year-2019 Thana- PHENHARA District- East Champaran

SUMIT SINGH @ RAJTILAK SINGH @ RAJ TILAK Son of Ashok Singh
@ AShok Kumar Singh Resident of Village - Tajiyapur, P.S.- Pipra, District -
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 12-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

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.

The petitioner seeks bail, who is in custody since
02.07.2021 in connection with Phenhara P.S. Case No. 06 of
2019, F.I.R. dated 12.02.2019 registered for the offence
punishable under Sections 394,302,120B,34 of Indian Penal
Code, 1860 and Section 27 of Arms Act.

The prosecution story, in brief, is that the uncle of the
informant Manoj Kumar Akela used to run S.B.I. Customer
Service Centre at his Darwaza. On 11.02.2019 at about 1.00



P.M., he went from his house for bank work. According to knowledge, he went for bringing cash. In the meantime, at about 3.00 P.M., the informant came to know that his Manoj uncle sustained firearm injuries. On information, when he went to the place of occurrence, he found his uncle unconscious. He was admitted at Madhuban Hospital from there he was referred to S.K.M.C.H. Muzaffarpur where the doctor declared him dead. From the place of occurrence, Mobile No. 9334049000 of his uncle, cash, wrist watch and gold chain was missing. The informant suspected that the criminals might have killed his uncle due to cash of C.S.P. and jewellery.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired, during investigation, on the basis of confessional statement of co-accused, namely, Ashutosh Kumar and thereafter, the self-confessional statement of the petitioner and on the basis of suspicion. Further submits that except the suspicion, confessional statement of the co-accused person and self-confessional statement of the petitioner, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present



occurrence and the co-accused persons, namely, Rajiv Kumar, Ashutosh Kumar @ Bholi Singh @ Abishek Kumar and Avinash Kumar have been granted bail by different Coordinate Bench of this Hon'ble Court vide orders dated 23.08.2019, 18.11.2019 and 11.12.2019 passed in Cr.Misc. Nos.24903 of 2019, 51209 of 2019 and 55584 of 2019 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.07.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries twenty two more cases other than the present one but fairly submits that out of twenty two cases, in eight cases, the petitioner has been granted bail and rest fourteen cases are pending for consideration, as mentioned in para-3 of the bail petition.

Considering the aforesaid facts, 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 learned 12th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Phenhara P.S. Case No. 06 of 2019, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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