

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53268 of 2023

Arising Out of PS. Case No.-35 Year-2021 Thana- MATIHANI District- Begusarai

Shankar Singh S/O Budhan Singh R/O Village-Badalpura, PS.- Matihani Dist.
Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 19.06.2023 in connection with Matihani P.S. Case No. 35 of 2021, F.I.R. dated 13.03.2021 registered for the offence punishable under Sections 147,148,149,323,307,504,506 of IPC and Section 27 of the Arms Act.

3. The case of the prosecution as per written report of the informant is that on 11.03.2021 he alongwith his uncle Ugendeo Rai were coming on foot from village Sihma and when they reached near Gupta Bandh, Ramashish Singh, Ashok Singh, Amresh Singh, Shankar Singh (petitioner), Neeraj @ Piyush, Angad Singh came and surrounded the



informant. Ramashish Singh gave order to kill the informant. On this order Amresh Singh, Neeraj Kumar opened firing with intention to kill the informant and Amresh Singh also fired. The informant tried to flee away, but shot hit him in the dorsum area of right foot. On hulla, vicinity persons assembled. Then Ashok Singh, Shankar Singh, Angad Singh made firing in the air and in the meantime Ugandeo Rai and informant managed to escape from place of occurrence and reached at home, anyhow by the horse of Shankar Singh. His treatment was started in the clinic of Dr.Shashi Bhushan Sharma.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is general and omnibus allegation and in 2nd part, specific allegation against co-accused persons, namely, Amresh Singh and Neeraj Kumar, who have fired upon the informant. There is no accusation of any assault or overt-act attributed against the petitioner and the petitioner is in custody since 19.06.2023.

5. Learned APP for the State has opposed the prayer



for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid fact, 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 Chief Judicial Magistrate, Begusarai in connection with Matihani P.S. Case No. 35 of 2021, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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