

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50962 of 2023

Arising Out of PS. Case No.-243 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

BINOD SINGH SON OF LATE SHIV PUJAN SINGH R/O - KARISATH,
P.S. - UDWANT NAGAR, DISTT. - BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate
		Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-08-2023 1. Heard learned Senior Counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. This is the third attempt of the petitioner to seek bail.
4. Learned Senior Counsel for the petitioner submits that the from perusal of the allegation as alleged in the FIR, it would manifest that Bipin Chaudhary is alleged to have fired killing Prasant Kumar @ Brij Bihari Yadav on the spot. As far as this petitioner is concerned, he is alleged to have fired causing injury on leg of Amarjeet Singh. It is further submitted that the trial has commenced and father of Amarjeet Singh has



been examined but then he in his examination-in-chief has not alleged anything against this petitioner. It is next submitted that petitioner, during the period of custody, was diagnosed with some heart disease for which he was taken to A.I.I.M.S., New Delhi where he was operated as would be evident from Annexure-4 series to the bail application. It is also submitted that petitioner will not abscond rather will face the trial. It is further submitted that the allegations are in realm of allegation and have to be proved in duly constituted criminal trial. It is next submitted that petitioner has remained in custody for nearly more than three years.

5. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

6. Considering the submissions made by the learned Senior Counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 66 of 2022 arising out of Udwant Nagar P.S. Case No. 243 of 2020.

7. However, it is made clear that if the petitioner does



not appear in the trial on two consecutive dates, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. At this stage, learned Senior Counsel for the petitioner submits that petitioner has been operated at A.I.I.M.S., New Delhi on 3rd July, 2023 and the Doctor has advised him rest for six weeks so it may be a possibility that the petitioner may not be in a position to attend the trial till September, 2023.

9. The submission of the learned Senior Counsel for the petitioner has been noted only for the reason that the trial court shall apply its own mind if the petitioner is not able to appear in the trial till September, 2023.

(Satyavrat Verma, J)

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