

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49957 of 2022

Arising Out of PS. Case No.-145 Year-2020 Thana- SARSI District- Purnia

Chhotu Singh @ Rishikesh Singh @RISHIKESH Kumar Singh @ Pathal Singh, aged about 23 years, Gender- Male, S/o Late Bijay Singh R/o village- Kharari, P.S.- Hayaghat, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sarsi P.S. Case No. 145/2020 registered for the offence punishable under Section 147, 148, 149 323, 302, 120(B) of the Indian Penal Code (for brevity 'IPC') and 27 of the Arms Act.

Four-five armed criminals have come on motor-cycle and indiscriminately fired upon the other persons, including the informant in the course of canvassing during the 2020 elections. Informant has identified Punkesh Singh, Shyamal Singh, Kangna Singh, Mithu Singh and Marconi Singh @ Fauji of having indiscriminately assaulted one Beni Singh. Beni Singh has succumbed to his injuries.

Learned counsel for the petitioner submits that Punkesh Singh (named accused) has been allowed bail in Cr. Misc No. 59173 of 2021. The petitioner's complicity has emerged based on statement of co-accused, Keshav Jha and Ashish Singh as well as his own confessional statement. These facts emanating from the investigation is evident from the order passed by the court below rejecting the



petitioner's bail on 25.07.2022.

He is in custody since 07.03.2022.

No cogent material has emerged in the investigation to suggest his complicity. He is on bail in K. Hat P.S. Case No. 19 of 2020. Apart from that, he has one antecedent in Bihpur (Jhandapur) P.S. Case No. 73/2016. The investigation is complete and he undertakes to co-operate in the trial by ensuring his attendance on day-to-day basis.

Learned APP has opposed the prayer for bail. He has submitted that in the investigation, co-accused have stated about the petitioner's complicity and petitioner himself has also confessed.

Considering the rival submissions, the petitioner's claim on parity with Punkesh Singh and Keshav Jha (co-accused), period of custody and the material in the investigation, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned C.J.M, Purnea/Successor Court, in connection Sarai P.S. Case No. 145/2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to



be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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