

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54206 of 2022

Arising Out of PS. Case No.-170 Year-2022 Thana- AMARPUR District- Banka

CHHOTU SINGH SON OF LATE RAVINDRA SINGH R/O VILLAGE-
MALDEVCHAK, P.S.- AMARPUR, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-02-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Amarpur P.S. Case No. 170 of 2022 registered for the offences
punishable under Sections 302, 120(b)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

As per prosecution case, petitioner and others came
at the house of informant and started abusing and threatening. It
is further alleged that co-accused Sonam Singh, with intention
to kill, fired upon the informant but bullet hit the informant's
uncle on his back and informant's uncle sustained injury. During
way to hospital the informant's uncle died.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.06.2022. Petitioner bears two



criminal antecedents in which he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Petitioner is not the assailant of deceased rather co-accused Sonam Singh is the assailant of deceased as it appears from F.I.R. itself. Post mortem report also discloses only one fire arm injury on the body of the deceased and in that view of matter the involvement of the petitioner in the present case is not established. There is no specific overt-act against the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Amarpur P.S. Case



No. 170 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without appropriate permission of trial court, his bail bond shall be cancelled by the trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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