

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54535 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- UDAKISHUNGANJ District- Madhepura

BIREN SINGH @ BIRENDRA SINGH @ BIRAN SINGH Son of Mahendra
Singh R/V- Kadwa Basa, Borwa Tola, Ward No- 15, P.S- Naugachhia, Dist-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
17.04.2022 in connection with Udakishunganj P.S. Case No. 19
of 2022, F.I.R. dated 26.01.2022 registered for the offence
punishable under Sections 302, 120(B),34 of the Indian Penal
Code and Section 27 of the Arms Act.

As per allegation in the FIR, Manager, namely, Lal
Kumar Yadav of Ashirwad Nurshing Home of Uda Kishuinganj
Bazar was shot dead by some unknown miscreants about which
informant got information by telephonic call. Injured died on the
way to hospital. The alleged occurrence took place in the
background of election rivalry and land dispute.



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 the confessional statement of co-accused persons, namely, Ramesh Goswami, Natwar Chaudhary @ Natwar Kumar Chaudhary and Varun Kumar. Further submits that the co-accused, namely, Natwar Chaudhari has been granted bail vide order dated 22.03.2023 passed in Cr. Misc. No.67472 of 2022 and another co-accused, namely, Mantu Singh has also been granted bail vide order dated 29.03.2023 passed in Cr. Misc. No.14501 of 2023 by different Coordinate Benches of this Hon'ble Court and the case of the petitioner is on similar footing and the petitioner is in custody since 17.04.2022.

Vide order dated 15.03.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 23.03.2023 reveals that out of eight chargesheet witnesses, four material witnesses have already been examined in the present case and the present case is pending for evidence of rest witnesses.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no



chance of early conclusion of the trial in near future and the petitioner is in custody since 17.04.2022 and the similarly situated co-accused persons have already been granted bail by this Hon'ble Court.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in the para-3 of the bail petition.

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 Additional Chief Judicial Magistrate, Udakishunganj, Madhepura in connection with Udakishunganj P.S. Case No. 19 of 2022, 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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