

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57033 of 2022

Arising Out of PS. Case No.-135 Year-2020 Thana- BAUSI District- Araria

Mitthu Singh @ Mithu Singh Son of Kapildev Singh Resident of Village -
Ufrel ward No.09, Pahsara, P.S.- Bousi, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, the father-in-law of the
informant, namely, Sajjo Yadav was killed by gun shot by some
miscreants in the night of 15.12.2020. when he was on duty as a
guard.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as confessional statement of the co-
accused person, namely, Rohit Kumar @ Dilip Yadav that due to



mistake, the co-accused Rohit Kumar @ Dilip Yadav has fired upon the deceased. He further submits that the petitioner has no concern at all with the alleged occurrence and he was only present at the time of occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.12.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances and period of custody, 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 Court below where the case is pending in connection with Bousi P.S. Case No. 135 of 2020 corresponding to G.R. No. 4366 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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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