

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55607 of 2022

Arising Out of PS. Case No.-283 Year-2020 Thana- SHAMBHUGANJ District- Banka

Abhishek Kumar Singh, S/O Manoj Kumar Singh, R/O Village- Gulni
Kushaha, Police Station- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Viveka Nand Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Shambhuganj P.S. Case No. 283 of 2020 registered for the offences punishable under Sections 341, 323, 307, 353/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report filed by the informant alleging therein that in course of investigation of Godda Town P.S. Case No. 249 of 2020, the informant apprehended some of the accused persons and on the disclosure



made by them, raided the house of the petitioner where four persons were present, resorted firing over the police personnel, due to which two police personnel sustained injuries and thereafter the accused persons, including the petitioner, fled away after opening fire.

Learned counsel appearing on behalf of the petitioner submits that the entire prosecution case falls to the ground for simple reason that after investigation, charge-sheet has been submitted only against the petitioner and other accused persons have not been sent up for trial. He next submits that during the course of investigation it has also come that none of the police personnel sustained any injury and only because of past criminal antecedents, the name of the petitioner has been implicated in this case. He lastly submits that in a case where none of the police personnel sustained injury, the petitioner is in custody for more than two years.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is involved in five other criminal cases and there is specific allegation that this petitioner resorted firing over the police personnel.

Regard being had to the submissions made on behalf



of the parties and considering the fact that none sustained any injury and further the case of the prosecution belies, as the charge-sheet has been submitted only against the petitioner and not sent up the other accused persons for trial, coupled with the period of custody for more than two years, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Banka in connection with Shambhuganj P.S. Case No. 283 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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