

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58583 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- PASRAHA District- Khagaria

Kampani Singh son of Late Jamun Singh Village- Piparpanti Ps- Pasraha
Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 03.04.2023 in connection with Pasraha P.S. Case No. 66 of 2023, F.I.R. dated 31.03.2023 for the offences punishable under Sections 302, 120B, 307/34 of the Indian Penal Code and Section 27(3) of the Arms Act.

3. According to prosecution case, all the accused persons including the petitioner armed with weapon, on the order of this petitioner started firing indiscriminately upon the son of the informant due to which he sustained 5 to 6 bullet injuries resulting into his death.

4. 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 that there is specific allegation against the petitioner that he and one co-accused, namely, Bablu Singh has gave order to kill the son of the informant and the co-accused, Deepak @ Dipan Singh along with other accused persons with the help of country made pistol opened fire upon the son of the informant. He further submits that there is no allegation of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Gopal Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 31.08.2023 passed in Cr. Misc. No. 56810 of 2023. The petitioner is in custody since 03.04.2023.

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

6. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate, Khagaria in connection with Parsaha P.S. Case No. 66 of 2023, subject to the following conditions:-



i. 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.

ii. 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.

iii. 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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