

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58451 of 2022

Arising Out of PS. Case No.-280 Year-2019 Thana- BARHARA District- Bhojpur

Rishi Singh @ Rishi Deo Singh son of Santosh Singh Resident of Village-
Barka Lauhar, P.S.- Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhisek, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2023 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 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, in short, is that on
16.8.2019 at 10 PM when the Informant was taking dinner with
his younger brother, a call came on his mobile after which he
left on his motorcycle. Later on at about 10.25 PM, a call was
received on his uncle's mobile informing him that his brother
was being shot and was lying injured in front of the Kashiram's
house. The Informant reached there and took him to Sadar
Hospital, Ara where he was declared brought dead.

Earlier the bail application of the petitioner was



rejected vide order dated 09.04.2021 passed in Cr. Misc. No. 36371 of 2020.

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 petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of supervision report without any evidence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Daroga Ram @ Nemlal Ram has been granted bail by a co-ordinate Bench of this Court vide order dated 19.03.2020 passed in Cr. Misc. No. 80422 of 2019 and another co-accused namely, Amit Kumar Singh has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 13.12.2022 passed in Cr. Misc. No.28260 of 2022. The petitioner is in custody since 16.04.2020.

Vide order dated 16.02.2023 a report was called for with regard to the present stage of trial. Report dated 23.02.2023 reveals that the charge has been framed against the petitioner on 17.01.2023 and till date no witness has been examined.

Learned counsel for the petitioner further submits that



in view of the report of the learned Trial Court that the trial is not likely to be concluded in near future.

Considering the aforesaid facts and circumstances as well as 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 Barahara P.S. Case No. 280 of 2019, 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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