

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29387 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- SHYAMPUR BHATHAN District-
Sheohar

Mithu Singh S/O Kaushal Singh R/O Village- Barka Gaow, P.S- Pakaridayal,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 59864 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- SHYAMPUR BHATHAN District-
Sheohar

Dhirendra Kumar Singh S/O Late Chitranjan Singh Resident Of Village-
Parsauni P.S- Phenhara, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 29387 of 2023)
For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 59864 of 2023)
For the Petitioner/s : Mr. Pranav Kumar, Advocate
Mr. Rajeev Ranjan No.Ii, Advocate
Mrs. Kumari Seema Singh, Advocate
Mrs. Anjana Gupta, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Petitioners seek bail where petitioner, namely,

Mithu Singh is in custody since 02.11.2022 and petitioner,



namely, Dharendra Kumar Singh is in custody since 21.02.2023 in connection with Shyampur Bhatha P.S. Case No. 124 of 2022, F.I.R. dated 27.06.2022 for the offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, four accused persons came from a motorcycle and two of them started firing indiscriminately upon the brother of the informant, who died during the course of treatment.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Niraj Singh, Sunny Singh and Umesh Singh and thereafter the confessional statement of the petitioner, namely, Mithu Singh was also recorded in which he has categorically stated that he was involved in the present occurrence. He further submits that from perusal of the F.I.R it appears that there is direct and specific allegation against the co-accused persons namely, Nitesh Kumar Singh and Amit Kumar that they have fired upon the victim. He further submits that



except the confessional statement of the co-accused persons and the confessional statement of the petitioner, namely, Mithu Singh, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused persons, who have confessed the name of the petitioner, namely, Umesh Singh has been granted bail by a co-ordinate Bench of their Court vide order dated 26.06.2023 passed in Cr. Misc. No. 33879 of 2023, another co-accused, namely, Sunny Singh @ Sunny Kumar Singh @ Sunny @ Shani Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 23668 of 2023 and co-accused, namely, Niraj Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.04.2023 passed in Cr. Misc. No. 7602 of 2023. The petitioner, namely, Mithu Singh is in custody since 02.11.2022 and petitioner, namely, Dharendra Kumar Singh is in custody since 21.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that it has come during investigation that the petitioners



were involved in the present crime in question and apart from that the petitioner, namely, Mithu Singh carries two criminal antecedents and petitioner, namely Dhirendra Kumar Singh carries five criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge Sheohar at Sheohar in connection with Shyampur Bhatha P.S. Case No. 124 of 2022, subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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