

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63098 of 2022**

Arising Out of PS. Case No.-343 Year-2019 Thana- SAHPUR District- Bhojpur

PINTU SINGH @ AKHILESH KUMAR SINGH Son of Raj Narayan Singh
Resident of Village- Jhauan, P.S.- Bihiya, District- Bhojpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Umeshanand Pandit

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 04-01-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sahpur Police Station Case No. 343 of 2019, registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code 1860 and Section 27 of the Arms Act.

The prosecution case, as per the First Information
Report, is that on 11.12.2019, a scuffle took place with the
brother-in-law of the informant over the matter of dashing of
motorcycle, upon which other co-accused persons came at the
door of the informant and co-accused Binod Yadav fired upon
the brother-in-law of the informant, due to which he sustained
firearm injury and he was taken to the hospital for treatment. It
has further been alleged that in the night, when the husband of
the informant was going to see his injured brother, the informant



saw that a Scorpio vehicle was standing on road, and near the Scorpio vehicle, this petitioner, along with co-accused persons, namely, Binod Yadav, Lallu Yadav, Baleshwar Yadav, Ravi Kumar Yadav, Pintu Singh and Rahul Yadav, having armed with rifle, gun and pistol, were standing and all of them surrounded her husband and co-accused Binod Yadav shot him, due to which he received fire-arm injury on his back and succumbed to his injuries.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was permitted to be withdrawn by this Court, vide order, dated 28.04.2022, passed in Criminal Misc. No. 67830 of 2021, giving liberty to the petitioner to renew his prayer for bail after one year from the date of the order.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer, as observed by this Court in the order dated 28.04.2022. He further submits that the petitioner has not committed any offence in the manner alleged and he has been implicated in this case only on the basis of the fact that he was seen by the informant standing near the Scorpio vehicle. He further submits that no overt act has been alleged against the petitioner and the allegation of firing is upon co-



accused Binod Yadav. He further submits that similarly situated co-accused Rahul Yadav has been granted bail by a co-ordinate Bench of this Court, vide order, dated 27.06.2022, passed in Criminal Misc. No. 35367 of 2021. He further submits that the petitioner is in custody since 24.09.2021 and charge sheet has already been submitted against the petitioner, as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is not the main assailant, similarly situated co-accused person has been granted bail by this Court, he is in custody since 24.09.2021, charge sheet has already been submitted and this is second attempt on behalf of the petitioner for grant of bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Sahpur Police Station Case No. 343 of 2019.

This is subject to the condition that the petitioner shall



present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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