

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61459 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Babban Singh Son Of Sri Tuna Singh R/O Village- Pahsara, P.S.- Nawkothi,
District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 63385 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Santosh Singh @ Santosh Kumar S/o Sri Tuna Singh R/O Vill- Pahsara, P.S.-
Nawkothi, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 61459 of 2022)

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 63385 of 2022)

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioners, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.



Petitioners seek bail in a case registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, six accused persons stopped the husband of the informant and started abusing saying rangdari tax had not been paid. It is further alleged that they started firing indiscriminately by pistols upon her husband due to which he sustained fire arm injury and died.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no allegation of assault or overt act against these petitioners rather there is general and omnibus allegation that the petitioners were involved in the present occurrence as a conspirator of the present case. He further submits that there is specific allegation of firing against the co-accused persons, namely, Saurav Kumar, Gaurav Kumar, Amit Kumar, Rive Kumar, Ram Kumar Singh @ Aako Singh and Bittu Singh. He further submits that nothing has come during investigation against these petitioners. He further submits that similarly situated, co-accused, namely, Umesh Singh @ Umesh Prasad Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.08.2022



passed in Cr. Misc. No. 68584 of 2021. He further submits that the case of the petitioners are on similar footing. The petitioners, namely, Babban Singh and Santosh Singh @ Santosh Kumar are in custody since 25.08.2022 and 06.07.2022 respectively.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners on the ground that petitioner, namely, Babban Singh carries six criminal antecedents and petitioner, namely, Santosh Singh carries three criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Nawkothi P.S. Case No. 102 of 2021, subject to the following conditions:-

1. 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.



2. 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.

3. 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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