

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65685 of 2022**

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

SACHIN SINGH Son of Dhrup Singh @ Dhrupnarayan Singh Resident of
Village- Bhatahan Tikuliya, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Kumar, Advocate
For the Opposite Party/s	:	Mr.Tarkeshwar Nath Thakur, APP
For the Informant	:	Mr. Shashwat, Advocate
	:	Mr. Vivek Raj, Advocate
	:	Mr. Sachina, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 28-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 31.03.2022 in connection with Harsidhi P.S. Case No. 386 of 2021, F.I.R. dated 25.09.2021 registered for the offence punishable under Sections 302,120(B)/34 of IPC and Section 27 of Arms Act.

The FIR of the occurrence of murder is against unknown.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the



petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Manish Kumar, Anil Kumar and Ajay Singh and self-confessional statement of the petitioner. Further submits that there is no eye witness of the alleged occurrence and as per confessional statement of the co-accused, namely, Abhimanyu Singh, which was recorded in para-29 of the case diary in which he stated that Manish and Pappu have fired upon the deceased and the petitioner fired in the ear. Further submits that except the confessional statement of the co-accused persons and the self-confessional statement of the petitioner, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that the co-accused, namely, Vivek Singh, against whom the similar allegation, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 27.04.2023 passed in Cr. Misc. No. 2571 of 20213 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 31.03.2022.

Learned counsel for the informant as well as the learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that



there is sufficient material has come against the petitioner during investigation to suggest the involvement of the petitioner in the present occurrence. Further submits that the petitioner carries six more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Harsidhi P.S. Case No. 386 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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