

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69788 of 2023

Arising Out of PS. Case No.-95 Year-2013 Thana- PAKRIDAYAL District- East Champaran

Nitesh Singh @ Nitish Singh @ Maharaj Ji Son Of Shyam Babu Singh
Resident Of Village - Tariyani Chapra, P.S. - Tariyani Chapra, District -
Sheohar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Pushpendra Kumar Singh, Advocate Ms. Divya Bharti, Advocate
For the Opposite Party/s :		Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Pakaridayal P.S. Case No. 95 of 2013 registered on 22.07.2013 for the alleged offences under Sections 341, 323, 447, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, four miscreants on two motorcycles entered into the construction plant of the informant and two of them made inquiry about one Guddu Singh and when informant said that he was not available there, one of the miscreant drew out a pistol and fired upon the informant. The informant received injury in his chest and hand. While leaving



the plant, the miscreants left a *purcha* of Azad Hind Fauj. The name of the petitioner transpired during investigation as one of the miscreants.

04. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. and the F.I.R. was lodged against four unknown persons. In the written report though the informant claimed that he could identify the miscreants but till date no Test Identification Parade was conducted by the police for identification of the miscreants. The petitioner has been dragged in this case on the basis of confessional statement of co-accused Manoj Singh. Except the confessional statement, no cogent material has come up against this petitioner. Finally, the police has submitted charge-sheet. The co-accused who named this petitioner, has been acquitted by the learned trial court. The petitioner is in custody since 04.03.2023. The petitioner is having criminal antecedent of three cases but he is on bail in all such cases.

05. Learned APP for the State opposes the prayer for bail submitting that the petitioner is a member of Maoist organization.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that there is no specific allegation against the petitioner for opening fire and also considering the lack of substantive material against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana, District-East Champaran at Motihari in connection with Pakaridayal P.S. Case No. 95 of 2013 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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