

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68631 of 2022**

Arising Out of PS. Case No.-38 Year-2022 Thana- ALAMNAGAR District- Madhepura

SHAMBHU SINGH @ SHAMBHU KUMAR SINGH S/O BHUSHAN  
SINGH Resident of Village- Khurhan Maal Doctor Basa, Ward No- 08, P.S.-  
Alam Nagar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

4      06-04-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Alam  
Nagar P.S. Case No. 38 of 2022 dated 24.02.2022 registered for  
the offence under Sections 302/34 of the Indian Penal Code.

The husband of the informant is stated to have been  
killed by the petitioner and others.

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, is innocent and  
has falsely been implicated in this case. He further submits that  
initially the petitioner has not been named in the F.I.R., however,  
his name transpired in this case during course of restatement of  
the informant. He further submits that there is general and  
omnibus allegation levelled in the F.I.R. and no specific allegation



of assault or any overt act is attributed to the petitioner either in the F.I.R. or in the restatement of the informant. It is also contended that the informant herself does not claim to be the eye witness to the alleged occurrence. He further submits that similarly situated co-accused, Bhushan Singh, Santosh Singh, Bipin Singh and Shambhu Singh @ Shambhu Kumar Singh have already been granted bail by a co-ordinate Bench of this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 51003 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Udakishunganj, Madhepura in connection with Alam Nagar P.S. Case No. 38 of 2022 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 canceled 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.

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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