

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66363 of 2022

Arising Out of PS. Case No.-245 Year-2017 Thana- BALIYA District- Begusarai

Kishori Singh @ Kishore Singh Son of Ramvaran Singh Resident of village -
Mathar, P.S.- Nayagaon, District - Begusarai.

... .. 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
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 04-07-2023 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
22.07.2022, in connection with Balia P.S. Case No. 245 of 2017,
F.I.R. dated 03.10.2017 registered for the offences punishable
under Sections 447, 341, 342, 364/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 10.10.2017 at
about 5:00 P.M. the informant's husband was feeding cattles and
in the meantime accused persons including the petitioner came
there armed with rifle and pistol and surrounded her husband
and took away her husband towards west on gun point. The
informant raised suspicion that all the accused persons would
kill her husband.



Learned Senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of statement of the independent witnesses. He further submits that from a bare perusal of the statement of the independent witnesses, it appears that they have not stated any overt act attributed against the petitioner and they stated that the petitioner along with other persons had seen at the place of occurrence. He further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Bablu Mahto has been granted bail by a Coordinate Bench of this Court vide order dated 28.08.2018 passed in Cr. Misc. No. 44149 of 2018, another co-accused person namely Murari Singh has been granted bail by a Coordinate Bench of this Court vide order dated 03.05.2019 passed in Cr. Misc. No. 16586 of 2019, another co-accused person namely Upendra Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 01.08.2019 passed in Cr. Misc. No. 46489 of 2019,



another co-accused person namely Sachita Chaudhary who is named in the F.I.R. has been granted bail by a Coordinate Bench of this Court vide order dated 28.01.2022 passed in Cr. Misc. No. 54173 of 2021 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 22.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries five more cases other than the present one but fairly submits from paragraph-3 of the petitioner that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No. 245 of 2017, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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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