

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69753 of 2023**

Arising Out of PS. Case No.-52 Year-2000 Thana- LAKHISARAI District- Lakhisarai

Birju Singh S/O Chalo Singh @ Charitra Singh R/O Village- Chetan Tola
Khutaha, Ps-Barahiya, Dist-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Madan 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.

2. In the present case, the petitioner seeks bail in connection with Lakhisarai P.S. Case No. 52 of 2000, registered on 14.02.2000 for the alleged offences under Sections 147, 148, 149, 307, 324 of the I.P.C. and 27 of the Arms Act, however, later on, Section 302 of I.P.C. was also added.

3. As per prosecution case, the police received a secret information about exchange of firing between two groups of criminals. Thereafter, police reached at the spot and apprehended three persons who were trying to escape. One of the miscreants who received gun shot injury died. The apprehended co-accused persons disclosed the name of the petitioner and other co-accused persons who were also involved in the firing.

4. The learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. There is no allegation against the petitioner that he fired upon the deceased Ramkishore Singh @ Sultan Singh. Even during investigation none of the witnesses named the petitioner as assailant of the deceased. It is further submitted that petitioner is named in the F.I.R. but he had no knowledge about his implication in the aforesaid occurrence and police never visited or raided the house of the petitioner in connection with the said occurrence. Since the petitioner came to know about his implication in the case, he surrendered before the court on 10.07.2023. It is further submitted that the similarly situated co-accused person namely Rajesh Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.10.2016 passed in Cr. Misc. No. 27506 of 2016. Even some of the co-accused persons have been acquitted by learned Fast Track Court, Lakhisarai in Sessions Trial No. 431 vide judgment dated 10.07.2023. The petitioner is in custody since 10.07.2023.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no substantive material against the



petitioner and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 52 of 2000, 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 on 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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