

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74795 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

SHAMBHU SINGH @ SHAMBHU SINHA S/o Late Bhuneshwar Singh @
Bhuwneshwar Singh R/o Village- Dahiyawa Tola Tari, P.S.- Chapra Muffasil,
Distt- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Adv. Mr. Ram Binod Singh, Adv.
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
For the Informant	:	Mr. Vijay Kumar Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-06-2023 Heard Mr. Bindhyachal Singh, learned Senior
counsel for the petitioner assisted by Mr. Ram Binod Singh,
Mr. Vijay Kumar Srivastava, learned counsel for the informant
and Mr. Satyendra Prasad, learned Additional Public Prosecutor
for the State.

Petitioner seeks bail, who is in custody since
11.06.2022 in connection with Chapra Muffasil P.S. Case No.
427/2022, F.I.R. dated 10.06.2022, for the offences punishable
under Sections 147, 148, 149, 323, 324, 326, 307, 302 of the
IPC & Section 27 of the Arms Act.

According to prosecution case, there is allegation
against the petitioner that the petitioner along with other co-



accused persons, namely, Rupesh Kumar Singh @ Kali and Nitesh Singh have fired upon the informant by pistol, due to which, the informant caused injury.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. it transpires that there is allegation against the petitioner that he along with co-accused persons, namely, Rupesh Kumar Singh @ Kali and Nitesh Singh have fired upon the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the injury report of the informant suggest that altogether three injuries were found on the person of the informant and out of three injuries, only one injury was firearm injury and others were sharp cutting injuries found on the person of the informant. He further submits that the co-accused, namely, Nitesh Singh @ Bhodu and Golu Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 16.03.2023 passed in Cr. Misc. No.62040/2022 and Cr. Misc. No.64809/2022 respectively, another co-accused, namely, Baidyanath Singh has been granted bail vide order dated 22.02.2023 passed in Cr. Misc. No. 66447/2022 and the police after investigation submitted the charge sheet against the petitioner and the



petitioner is in custody since 11.06.2022.

Learned counsel for the informant and learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned C.J.M., Saran at Chapra in connection with Chapra Muffasil P.S. Case No.427/2022, 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 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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