

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67403 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- SAHAJITPUR District- Saran

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HARI KISHORE SINGH Son of Late Sabha Singh R/v- Najiba, P.S.-
Sahajitpur, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Md. Matloob Rab, APP
For the Informant	:	Mr. Rananjay Kumar, Adv.
		Mr. Md. Arif Daula Siddiqui, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341,323, 307, 504, 506 and
34 of the Indian Penal Code and later on Section 302 of the
Indian Penal Code was added.

According to prosecution case, it is alleged that the
petitioner along with co-accused namely, Niranjana Singh @
Budha Singh caught hold the hand of the father-in-law of the
informant and co-accused namely, Sunny Singh inflicted 4 to 5
knife blows in the abdomen of the deceased, due to which he
fell down on the ground in pool of blood. Thereafter the accused



persons fled away giving threatening. Thereafter the deceased was taken to Sadar Hospital, Chapra for treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation against the petitioner in the F.I.R. that he caught hold the father-in-law of the informant. He further submits that the police after investigation submitted final form in favour of the petitioner but the learned Judicial Magistrate differing with the final form, took cognizance against the petitioner on the basis of the confessional statement of co-accused namely, Sunny Singh. He further submits that it appears from the F.I.R. that there is no allegation of any assault or overt act against the petitioner and the petitioner is in custody since 20.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one 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 Court



below where the case is pending in connection with Sahajitpur
P.S. Case No.128/2022, 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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