

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68831 of 2022**

Arising Out of PS. Case No.-19 Year-2022 Thana- KHAJANCHI HAT District- Purnia

PUNKESH SINGH Son of Shankar Singh Resident of village and P.S. - Sarsi,  
District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.

Mr. Saket Tiwary, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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

5      06-07-2023                      Heard Mr. N.K. Agrawal, learned Senior counsel for  
the petitioner, Mr. Sunil Kumar Pathak, learned counsel for the  
informant and Mr. Nand Kishore Prasad, learned Additional Public  
Prosecutor for the State.

Petitioner seeks bail, who is in custody since 21.05.2022  
in connection with K. Hat P.S. Case No. 19/2022, F.I.R. dated  
06.01.2022, for the offences punishable under Sections 302/120(B)  
of the IPC & Section 27 of the Arms Act.

According to prosecution case, it is alleged that co-  
accused persons namely Ashish Singh and Shyamal Singh came on  
motorcycle and Shyamal Singh fired on the son of the informant  
due to which he died at the place of occurrence.

Learned counsel for the petitioner submits that petitioner  
has falsely been implicated in the present case merely on the basis



of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that even the petitioner is not named in the F.I.R and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely Atiya Singh. He further submits that on the date of occurrence i.e. 06.01.2022 the petitioner was in judicial custody in connection with Sarsi P.S. Case no. 145/2020. He further submits that it has come during investigation that co-accused namely Ashish Kumar has fired upon the deceased and there is no accusation of any assault or overt act attributed against the petitioner because the petitioner was not present at the time of occurrence rather he was in judicial custody in the aforesaid case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.05.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three 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., Purnea in connection with K. Hat P.S. Case No. 19/2022, 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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