

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69263 of 2022

Arising Out of PS. Case No.-145 Year-2020 Thana- SARSI District- Purnia

Shyamal Kumar Singh @ Shyamal Singh S/O Pappu Singh @ Jagjeevan
Singh R/O Village- Sarsi, P.S- Sarsi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
27.01.2022 in connection with Sarsi P.S. Case No. 145 of 2020,
F.I.R. dated 07.11.2020 for the offences punishable under
Sections 147, 148, 149, 323, 302 and 120B of the Indian Penal
Code.

According to prosecution case, several miscreants
came and started firing upon the informant and others because
they were canvassing for the rival political party. It is further
alleged that the deceased fell on the ground and all miscreants



started beating him with stick and they shot him.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the allegation as alleged in the F.I.R. does not support the postmortem report of the deceased. He further submits that altogether 6 persons are named in the F.I.R. and allegation against them is that they have fired upon the victim but only 3 bullet injuries have been found on the body of the deceased. He further submits that who fired upon the victim is not clear. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that there was similar allegation against the co-accused, namely, Mithu Singh who has been granted bail by this Court vide order dated 17.04.2023 passed in Cr. Misc. No. 74885 of 2022 and other co-accused, namely, Chhotu Singh @ Rishikesh Singh @ Rishikesh Kumar Singh @ Pathal Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.01.2023 passed in Cr. Misc. No. 49957 of 2022. The petitioner is in custody since 27.01.2022.



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 and period of custody, 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 Additional Sessions Judge 1st, Purnea in connection with Sarsi P.S. Case No. 145 of 2020, 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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