

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73581 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- ALAMNAGAR District- Madhepura

Chhotu Singh @ Satyam Kumar Singh @ Satyam Kr. Singh Son of Nirmal Singh @ Nirmal Kumar Singh R/V- Bargaon, P.S- Alamnagar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 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 09.10.2022 in connection with Alamnagar P.S. Case No. 253 of 2021, F.I.R. dated 12.12.2021 for the offences punishable under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, when the informant's brothers were sitting at the door of Sanjeev Rajak, the petitioners and their associates started firing all of a sudden on



them by sophisticated fire arms, due to which two persons, namely, Brij Mohan Kumar and Nathuni Shamra died and one person, namely, Chotu Kumar got injured.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he 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 the petitioner and there is no specific allegation of any assault or firing attributed against the petitioner. He further submits that due to previous panchayat election, the present occurrence took place. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Amrendra Kumar Singh @ Amrendra Singh and its analogous cases have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 10.02.2023 passed in Cr. Misc. No. 71631 of 2022, another co-accused persons, namely, Prince Kumar Singh @ Akshay Kumar Singh and its analogous cases have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 09.01.2023 passed in Cr. Misc. No. 39148 of 2022 and another co-accused persons, namely, Rajnish Kumar and others have been granted regular



bail by a Co-ordinate Bench of this Court vide order dated 18.01.2023 passed in Cr. Misc. No. 35494 of 2022 and other co-accused person, namely, Janardan Sharma and others have been granted regular bail by a Co-ordinate Bench of this Court vide order dated 12.01.2023 passed in Cr. Misc. No. 34834 of 2022. The petitioner is in custody since 09.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Sub Divisional Judicial Magistrate 1st Class, Uda-Kishunganj, District- Madhepura in connection with Alamnagar P.S. Case No. 253 of 2021, 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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