

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73381 of 2022

Arising Out of PS. Case No.-607 Year-2022 Thana- ARA NAWADA District- Bhojpur

=====

Hariom Singh @ Sandeep Singh S/o Jitendra Singh R/o Village- Farhada,
P.S.- Barhara, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 73553 of 2022

Arising Out of PS. Case No.-607 Year-2022 Thana- ARA NAWADA District- Bhojpur

=====

Sonali Devi wife of Hari Shankar Prmee @ Hari Shankar Premi R/V- Jagdev
Nagar, P.S- Ara Nawada Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73381 of 2022)

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

(In CRIMINAL MISCELLANEOUS No. 73553 of 2022)

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

Petitioners seek bail where petitioner, namely, Hariom



Singh @ Sandeep Singh is in custody since 10.08.2022 and petitioner, namely, Sonali Devi is in custody since 09.08.2022 in connection with Ara Nawada P.S. Case No. 607 of 2022, F.I.R. dated 19.07.2022 for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, Abhishek Singh, Bharat Rai and Vijay Chaudhary with three unknown persons in pursuance of a conspiracy killed the son of the informant.

Learned counsel for the petitioners submits that petitioner, namely, Hariom Singh @ Sandeep Singh carries one criminal antecedent and he has been acquitted from the charges and petitioner, namely, Sonali Devi has clean antecedent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Dinkar Sinha and thereafter, self confessional statement of the petitioners. He further submits that except the confessional statement of the petitioners and the confessional statement of the co-accused, no cogent material has come during investigation to suggest the involvement of the petitioners in the



present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that the similarly situated, co-accused person, namely, Dinkar Sinha, has been granted bail by the Co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 7223 of 2023. The petitioner, namely, Hariom Singh @ Sandeep Singh is in custody since 10.08.2022 and petitioner, namely, Sonali Devi is in custody since 09.08.2022.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 607 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason,



their bail bond shall be cancelled by the Court below.

2. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their 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)

Vanisha/-

U		T	
---	--	---	--

