

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1323 of 2023

Arising Out of PS. Case No.-134 Year-2019 Thana- HATHUA District- Gopalganj

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SAMBHU @ SHAMBHU SINGH Son of Baliram Singh R/v- Balahata, P.S.-
Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
21.11.2019, in connection with Hathwa P.S. Case No. 134 of
2019, F.I.R. dated 09.07.2019 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The F.I.R. of the occurrence of murder is against
unknown.

Learned counsel for the petitioner submits that the
petitioner carries seven more cases other than the present one
and he has been falsely implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused persons namely Vishal Singh, Shambhu Singh and Pradeep Kumar Yadav. He further submits that except the confessional statement of co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Birendra Pratap Singh @ D.S. @ Tiger has been granted bail by a Coordinate Bench of this court vide order dated 08.12.2020 passed in Cr. Misc. No. 32486 of 2020 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.11.2019.

Vide order dated 24.04.2023, a report was called for with regard to the stage of the trial. The report of the learned Trial Court dated 08.05.2023 reveals that charge was framed on 24.02.2023 and four prosecution witnesses have already been examined.

Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and out of 10 chargesheeted witnesses,



only four witnesses have been examined as yet and the petitioner is in custody since 21.11.2019.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Hathwa P.S. Case No. 134 of 2019, 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 witness, 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 antecedents, 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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