

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74886 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- SARSI District- Purnia

MITHU SINGH Son of Bharat Singh Resident of Ward no. 10, Sarsi, Sasri
Istamrar Milik , P.S- Sarsi Dist- Purnea Bihar

... .. 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 RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 22.4.2022 in connection with Sarsi P.S. Case No. 158 of 2021 under section 302/120(B) of the Indian Penal Code and 27 of the Arms Act lodged on 13.11.2021 by the informant Anulika Singh.

The prosecution story, in brief, is that the informant alleged that in the evening of 12.11.2021, she was at Sarsi Chowk at a Tea shop, the co-accused engaged her husband when Ashish Singh @ Athiya came running with a pistol and shot the husband of the informant in his head. Allegedly, Athiya made two more fires on the direction of the co-accused. Two other persons were accompanying Athiya. The husband of the informant died at the place of occurrence as the assailants escaped.



The informant further alleged that earlier Sarsi P.S. Case No. 146/2021 was instituted against Athiya Singh, alleging firing and attempting to commit murder. The said Ashish Singh @ Athiya is also accused in murder of another relative of the informant named Beni Singh, the FIR bearing Sarsi P.S. Case No. 145/2020. The informant further alleged that the reason behind the occurrence is the political rivalry of the husband with Leshi Singh who was disturbed due to growing popularity of her husband and she apprehended her defeat at the hands of her husband in the election.

It has been submitted by the learned counsel for the petitioner that specific allegation is against Ashish Singh @ Athiya that he came running and fired on the head of the informant's husband. As he fell down, on the instruction of Sudesh Singh, he again returned and fired two more shots killing her husband on the spot. The only allegation that has come in the FIR is that two unknown persons were also accompanying him which subsequently has given the police an opportunity to name him as one of the two accused.

It is his further submission that other accused persons who have also similarly been named (Sushant Kumar Singh) has since been released on bail by coordinate bench of this



Court in Cr. Misc. No. 24684 of 2022 as also Vivek Sah (Cr. Misc. No. 25294 of 2022) and Manjit Singh (Cr. Misc. No. 18449 of 2022) all attached of Annexure- 2 series.

Learned APP opposes the prayer stating that subsequently the name of the petitioner has also cropped up.

Considering the specific allegation that has been made against Ashish Singh @ Athiya of giving three gun shot injuries on the order of Sudesh Singh to the informant's husband who instantly died, as per the FIR the two accused persons although accompanying, no role assigned to them, the petitioner is in custody since 22.04.2022 and in that background, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Purnea, in connection with Sarsi P.S. Case No. 158 of 2021 with conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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