

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1613 of 2023**

Arising Out of PS. Case No.-21 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Saurabh Kumar @ Saigal Pratap Singh @ Saurabh Kumar Singh, Son of
Sunil Singh @ Sushil Singh @ Sushil Kumar Singh Resident of Village-
Parihara, Ward No.-3, P.S.- Bakhri, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), if any, as pointed out by the office, within

a period of four weeks from today.

Heard Mr. Rajnish Kumar Singh, learned counsel for
the petitioner and learned Additional Public Prosecutor for the
State.

The petitioner seeks bail, who is in custody, in
connection with Nowkothi P.S. Case No. 21 of 2021, registered
for the offences punishable under Sections 302, 120(B)/34 of
the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that on 16.02.2021, while the informant
along with his father and brother sitting at Kirana shop, in the
meantime all the FIR named accused persons arrived there on



two motorcycles and made indiscriminate firing due to which the father of the informant suffered multiple injuries and died.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the FIR, however, during the course of investigation, the name of the petitioner has sprung up merely on suspicion, apart from the fact that the person who is named in the FIR has been allowed the privilege of bail by this Court in Cr. Misc. No. 40312 of 2021 *vide* order dated 29.06.2022, copy of which has been annexed as Annexure-2 to the application. Further submission has been made that in fact only on account of the petitioner having two criminal antecedent his name has been implicated in this case, without there being any cogent material, which also shows the highhandedness at the hands of the police. Now the petitioner is in custody since 15.09.2021 and moreover the investigation is complete and the chargesheet has been submitted.

On the other hand, learned APP for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is not named in the FIR and save and except suspicion, there is no material, apart from the fact that co-accused persons named in



the FIR having similar allegations have been allowed privilege of bail, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII, Begusarai, in connection with Nowkothi P.S. Case No. 21 of 2021, corresponding to S.T. No. 388 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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