

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1345 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- AMBA District- Aurangabad

SHUBHAM SINGH S/o Dharmendra Singh R/o Village- Balara, P.S.-
Hariahrganj, Distt- Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Upendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
20.08.2022 in connection with Amba P.S. Case No. 191 of
2022, F.I.R. dated 06.08.2022 registered for the offence
punishable under Sections 302,307,34 of IPC and Section 27 of
the Arms Act.

The prosecution case, in nutshell, is that on
05.08.2022 while the informant along with her husband, her
brother and Chandan Kumar went to the market, in the
meantime, four persons on two motorcycles came there and
started indiscriminate firing causing injuries to her husband and
Chandan Kumar, which proved fatal to her husband and injury
to Chandan Kumar. Injured Chandan Kumar told the informant



that Akash Kumar Singh and Chunna Singh shot her husband and also recognized one Nand Kishore who was driving the motorcycle.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Purushottam Kumar @ Purushutam Kumar and the self-confessional statement of the petitioner. Further submits that except the confessional statement of the co-accused person and self-confessional statement of the petitioner, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused-Brajesh Kumar has been granted bail vide order dated 26.04.2023 passed in Cr. Misc. No.63318 of 2022 and co-accused persons, namely, Purushottam Kumar @ Purushutam Kumar, Manish Kumar and Ranjan Kumar have also been granted bail vide orders at Annexure-2 and 2/1 to the supplementary affidavit by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody



since 20.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid facts, 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 learned C.J.M., Aurangabad in connection with Amba P.S. Case No. 191 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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