

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1265 of 2023**

Arising Out of PS. Case No.-123 Year-2021 Thana- KATHAIYA District- Muzaffarpur

Abhisek Singh @ABHISEK Kumar Singh S/O Arun Kr. Singh @ Arun Singh
R/V- Sirsiya , P.S.- Kathaiya , District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
12.09.2022 in connection with Kathaiya P.S. Case No. 123 of
2021, F.I.R. dated 02.09.2021 for the offences punishable under
Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code
and Section 27 of the Arms Act.

According to prosecution case, the petitioner along
with other accused persons who were standing behind the
informant in a queue tried to stand ahead of him and when the
informant forbade them, they started threatening him and the



petitioner shot at him with intention to kill due to which he suffered injury over his left ear and he faint.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that the allegation as alleged in the F.I.R. is not supported by the medical evidence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Vipul Singh @ Vipul Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.01.2023 passed in Cr. Misc. No. 58170 of 2022. The petitioner is in custody since 12.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 1 criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate-IV, West Muzaffarpur in



connection with Kathaiya P.S. Case No. 123 of 2021, 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 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)

Vanisha/-

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

