

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9713 of 2024

Arising Out of PS. Case No.-129 Year-2013 Thana- MADHUBAN District- East Champaran

RAUSHAN SINGH, S/O CHANDRAKESH SINGH @ CHANDRAKET
SINGH, R/O VILLAGE- DELHO, P.S- MADHUBAN, DISTRICT- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balgovind Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.389 of 2015, arising out of Madhuban P.S. Case no. 129 of 2013 registered under sections 302, 307, 147, 148, 149 and 448 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that the four named accused persons including the petitioner herein and three unknown accused came on two motorcycles. It is stated that they entered the veranda where the informant's brother was sleeping. In the meantime, the informant heard the sound of firing and in the light of torch he saw that accused Chandraket Singh was carrying a country made pistol. The informant was threatened. After the accused having fled from the place of occurrence, the informant states that he saw that his



brother had received firearm injury in his chest as a result of which he died. The cause of occurrence is said to be that Chandraket Singh had murdered his cousin grandson Sonu Kumar and has also resorted to firing in the past.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even as per the allegations in the FIR, as per the informant the country made pistol was in the hand of Chandraket Singh. There is no eye witness to the occurrence. Referring to the statement made in paragraph no.11 of the petition as also to the order of the learned trial Court it is submitted that the petitioner is in custody in the instant case since 28.6.2014. He undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State who submits that the petitioner is named in the FIR and charges has been framed in the learned trial Court on 23.6.2015 and two witnesses have been examined on behalf of the prosecution.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R, his having remained in custody for 9 years since 28.6.2014 and only two witnesses having been examined on



behalf of the prosecution inspite of the charges having been framed on 23.6.2015, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.389 of 2015 (arising out of Madhuban P.S. Case no. 129 of 2013) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XVII, East Champaran, Motihari on the following conditions:

(I) One of the bailors of the petitioner shall be a close relative of the petitioner.

(II) The petitioner shall remain physically present in the trial court on each date of the trial and shall cooperate in the trial.

(III) In case the petitioner remains absent on any date for reasons not to the satisfaction of the learned trial court or in case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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