

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5363 of 2024

Arising Out of PS. Case No.-124 Year-2022 Thana- KATIHAR NAGAR District- Katihar

DABLOO SINGH S/O- KAMAL DEV SINGH @ KAMAL DEV NISHAD
R/O- VILLAGE- SUKHASAN, P.S.- BARARI, DIST.- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner seeks bail in connection with Katihar
Nagar P.S. Case No. 124 of 2022 registered for the offences
punishable under Sections 302/34 of the I.P.C. and under
Section 27 of the Arms Act.

3. As per prosecution case, two persons, Golu alias
Golden and Chhotu Poddar, are said to have killed the
informant's son.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 20.07.2023 and bears criminal
antecedent of ten cases and he is on bail in all cases. Charge-
sheet has already been submitted and there is no likelihood of
tampering with the prosecution evidence. Learned counsel



further submits that petitioner is not named in the F.I.R. Name of the present petitioner has been transpired on the basis of confessional statement of co-accused Golu alias Golden Kumar as his associate. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel further submits that as per the version of F.I.R., co-accused Golu alias Golden Kumar and co-accused Chhotu Poddar are the assailants. Petitioner is innocent and has committed no offence as alleged in the F.I.R. His name has been implicated in the present case as he is having criminal antecedents. Learned counsel further submits that co-accused Suman Kumar has already been granted bail by a co-ordinate bench of this Court vide Cr. Misc. No. 52853 of 2023 and on the principle of parity, the petitioner also deserves bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not named in the F.I.R., co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the



material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Nagar P.S. Case No. 124 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkr/-

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

