

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10914 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- DHARHARA District- Munger

Vipul Kumar Singh @ Mangal Singh @ Bipul Singh Son of Late Tarni Singh
Resident of Village Durgapur P.S. Dharahra (Hemzapur O.P.) District-
Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Ratneshwar Prasad, learned counsel for

the petitioner and Mr. Umanath Mishra, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.09.2023 in connection with Dharahra (Hemzapur) P.S. Case
No. 188 of 2023, F.I.R. dated 05.09.2023 for the offences
punishable under Sections 307/34 of the Indian Penal Code and
Section 27 of the Arms Act and later on Section 302 of the
Indian Penal Code was added.

3. According to prosecution case, this petitioner along
with other accused persons have fired upon the father of the
informant resulting into his death.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the statement of the mother of the informant and the deceased's statement has been recorded under Section 161 of the Cr.P.C. in which it is mentioned that the co-accused, namely, Anjari @ Babby fired upon the deceased and the petitioner was accompanying him. He further submits that it appears from the FIR that date of occurrence is 03.09.2023 but the present FIR has been instituted on 05.09.2023 i.e. after delay of 2 days without giving any explanation of the said delay. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ram Lakhan Prasad Singh @ Ram Lakhan Mahto has been granted bail by this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 7270 of 2024. The petitioner is in custody since 19.09.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner



was accompanying with the other accused persons and apart from that the petitioner carries three criminal antecedents other than the present one.

6. 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 Judicial Magistrate 1st Class, Munger in connection with Dharahra (Hemzapur) P.S. Case No. 188 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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