

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24560 of 2024

Arising Out of PS. Case No.-3 Year-2022 Thana- CHAUSA District- Madhepura

Uttam Singh @Udesh Singh @ Uttam Kumar SON OF SHAILENDRA
PRASAD SINGH RESIDENT OF VILLAGE- PACHGACHHIA TOLA,
KADWA, PS- DHOLBAZZA (KADWA OP), DIST- BHAGAPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with S.Tr. No. 16/2024 arising out of Chausa P.S. Case No. 03/2022 registered under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 06.01.2020 by the informant, Abhishek Kumar Singh.

3. As per the prosecution story, the allegation is that the informant along with his friend were going home after completing work in TVS showroom, Chousa, they were surrounded and the allegation against this petitioner is of opening fire causing injury to Mohsin Alam in his chest. He fell down, taken to Chousa Hospital and then Bhagalpur for better



treatment.

4. Earlier prayer for bail of the petitioner was rejected vide an order dated 05.09.2023 passed in Cr. Misc. No. 59047 of 2023 (Annexure P/1 to the petition).

5. Learned Senior Counsel for the petitioner submits that the injured subsequently returned home, is well and healthy, he has already suffered by remaining in custody since 06.03.2023 (as stated in paragraph 12 of the petition) and further will be diligently appearing in the trial.

6. Learned APP for the State opposes the prayer for bail stating that the allegation against him is of opening fire.

7. Though the allegation of opening fire is against him, he has remained in custody since 06.03.2023, charge sheet already stands submitted and he will be diligently appearing in the trial, this Court is inclined to grant him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -VIII, Madhepura in connection with S.Tr. No. 16 of 2024 arising out of Chausa P.S. Case No. 03/2022 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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