

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25632 of 2024

Arising Out of PS. Case No.-75 Year-2022 Thana- NAYAGAON District- Begusarai

Rakesh Kumar Singh @ Gonga @ Rakesh Kumar Son of Late Shiv Kumar
Singh, Resident of Village- Sonapur, PS- Nayagaon, Dist- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jitendra Sinha, Advocate
For the Opposite Party : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2024 Heard Mr. Jitendra Sinha, the learned counsel for
the petitioner, the learned counsel for the informant and Ms.
Renu Kumari, the learned Additional Public Prosecutor for the
State.

2. Petitioner seeks regular bail who is in custody since
21.10.2022, in connection with Nayagaon P.S. Case No. 75 of
2022, FIR dated 11.10.2022, registered for the offences
punishable under Sections 302 and 120(B) read with Section 34
of the Indian Penal Code and under Section 27 of the Arms Act.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 21213 of 2023, which was
rejected vide order dated 02.08.2023.

4. According to the prosecution case, while the
informant and his father were returning from morning walk, five



people on motorcycle, variously armed, surrounded informant's father. It is further alleged that one Shiv Kumar Singh shot the deceased on back while other co-accused persons along with the petitioner, all shot one bullet each on the head of the deceased and the deceased died right after getting shot.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from the perusal of the FIR it appears that the allegation levelled against the petitioner and other co-accused persons is that they have fired upon the head of the victim and there is no specific allegation against the petitioner. He further submits that the co-accused person namely, Shiv Kumar Singh, against whom there is allegation that he has fired upon the backside of the victim, has been granted bail by this Court vide order dated 27.06.2023, passed in Cr. Misc. No. 16766 of 2023 and another co-accused person namely, Ranjit Singh, against whom there is allegation that he along with the petitioner and other co-accused persons have fired upon the head of the victim, has been granted bail vide order dated 25.08.2023 by the learned trial Court itself in Session Trial No. 314 of 2023. He lastly submits that the police after investigation has submitted the charge sheet against the



petitioner and the petitioner is in custody since 21.10.2022.

6. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he has fired upon the victim on his head and the victim died on the spot.

7. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, other co-accused persons have been granted bail by this Court as well as the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai, in connection with **Nayagaon P.S. Case No. 75 of 2022**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall



be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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