

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38933 of 2024

Arising Out of PS. Case No.-925 Year-2023 Thana- GAYA MUFASIL District- Gaya

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Bittu Singh @ Srikant Raj Son of Jitendra Singh @ Jitendra Kumar Singh R/o
Vill.- Mirganj, P.S.- Muffasil, Dist.- Gaya Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2024 Heard Md. Javed Jafar Khan, learned counsel for

the petitioner and Mr. Madan Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.10.2023 in connection with Muffasil P.S. Case No. 925 of
2023, F.I.R. dated 30.08.2023 for the offences punishable under
Section 394 of the Indian Penal Code and Section 27 of the
Arms Act.

3. According to prosecution case, four accused
persons came to the petrol pump of the informant and tried to
enter into the cash counter and when the informant tried to stop
them then, one of the accused took out the pistol and fired upon
the informant with intention to kill him and took out money
from the cash counter and fled away.

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 he has been made accused in the present case merely on the basis of suspicion and his previous criminal antecedents. He further submits that nothing has come during investigation which suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Nitish Kumar and Md. Anas have been granted bail by a Co-ordinate Bench of this Court vide order dated 01.08.2024 passed in Cr. Misc. No. 27968 of 2024 and Cr. Misc. No. 35599 of 2024 respectively. The petitioner is in custody since 17.10.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances that the petitioner is not named in the F.I.R and similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court and the case of the petitioner is on similar footing, 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 Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 925 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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