

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40189 of 2024

Arising Out of PS. Case No.-701 Year-2023 Thana- FATUA District- Patna

Vinda Singh @ Vinder Singh S/O Late Sakaldeo Singh Resident Of Village
Baruna Ps Fatuha District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-10-2024 Heard Mr. Arvind Kumar, learned counsel for the

petitioner and Ms. Sharda Kumari, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.12.2023 in connection with S. Tr. No. 294 of 2024 arising out
of Fatuha P.S. Case No. 701 of 2023, F.I.R. dated 15.09.2023
for the offences punishable under Sections 302, 307, 120(B)/34
of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, due to land dispute,
all the accused persons armed with rifle and country made katta
have fired indiscriminately upon the informant's brother namely,
Jay Singh and two friends of Jay Singh namely, Shailesh Kumar
and Mintus @ Manta due to which Jay Singh and Shailesh
Kumar sustained gunshot injury and died whereas Mintus @



Manta was severely injured.

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 it appears from the F.I.R itself that due to previous land dispute the present occurrence has taken place. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of assault or firing attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner. 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, Uma Shankar Prasad @ Uma Shankar Kumar, Sonu Kumar and Deepak Kumar have been granted bail by this Court vide order dated 18.09.2024 passed in Cr. Misc. No. 40037 of 2024, Cr. Misc. No. 40581 of 2024 and Cr. Misc. No. 41067 of 2024 respectively. The petitioner is in custody since 19.12.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that it is also clear from the F.I.R that the petitioner along with other accused persons have fired upon the victim. She further



submits that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the pending matter.

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 Additional District Judge IV, Patna City in connection with S. Tr. No. 294 of 2024 arising out of Fatuha P.S. Case No. 701 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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