

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42209 of 2024

Arising Out of PS. Case No.-112 Year-2021 Thana- BELDOUR District- Khagaria

Abhishek Kumar @ Pam Pam Son Of Anant Singh Resident Of Village -
Sakrohar, Police Station - Beldaur, District - Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Singh, Advocate
For the informant	:	Mr. Rajnish Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 13-09-2024 1. Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Beldaur P.S. Case No. 112 of 2021, dated 07.06.2021 registered for the offence(s) punishable under Section(s) 302/34 of the Indian Penal Code and Section 27 of Arms Act.
3. Mr. Vivekanand Singh, learned counsel appearing for the petitioner submits that the petitioner earlier preferred Cr. Misc. No. 66566 of 2022 for the relief of bail which was rejected by this court vide order dated 17.04.2023 with giving him a liberty to renew his bail prayer after nine months, if no significant progress is made in his trial hence in the light of the said liberty the petitioner has again come before this court. It is



further submitted that in the FIR there is no specific allegation against this petitioner and till date the petitioner's case has not been committed on account of absconding of two co-accused persons namely, Indal Kumar and Sonu Kumar. It is further submitted that the petitioner has been languishing in jail since 25.03.2022.

4. On the other hand, Mr. Rajnish Kumar Singh, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that the petitioner is also accused in Beldaur P.S. Case No. 178 of 2021 relating to the murder of three persons and his prayer for bail in the said Beldaur P.S. Case has been rejected by the learned co-ordinate bench of this court vide order dated 19.07.2024 passed in Cr. Misc. No. 44451 of 2024 and he has been named in the FIR and as per allegation this petitioner and co-accused persons fired indiscriminately at the father of the informant resulting in his death.

5. Heard both the sides and perused the FIR and other relevant materials including the report sent by the learned trial court regarding the status of the trial of the petitioner. Though, the petitioner is named in the FIR and the instant matter relates to murder but considering the fact that till date the petitioner's



case has not been committed on account of the absconding of two co-accused persons and the concerned Judicial Magistrate has not taken any pain to separate/split up the petitioner's case which is not acceptable as on account of the absconding of the said co-accused, the petitioner should not suffer and also coupled with the petitioner's custody period which has been about 2 years and 6 months, this court is now inclined to release him on bail. Accordingly, let the petitioner named-above 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 concerned Court in connection with Beldaur P.S. No. 112 of 2021 with following conditions:-

- (1) The learned Magistrates, where the petitioner's case is pending for commitment, is directed to immediately commit the petitioner's case after separating his case from other co-accused persons who are absconding and thereafter the trial court shall take steps to frame the charges upon the petitioner and thereafter the bail bonds of the petitioner shall be accepted.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.
- (3) 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.
- (4) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.
- (5) The trial court will verify the criminal antecedent of the petitioner but acceptance of bail bond will not



be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than Belaur P.S. Case No. 178 of 2021 which is mentioned in the petition of the petitioner, is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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