

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60403 of 2024

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

Prahlad Singh Son of Late Ganga Singh Resident of Village- Sonapur Dih,
P.S.- Nayagaon, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Khushi Awadh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2024 Heard Ms. Khushi Awadh, learned counsel for the

petitioner and Mr. Chandra Sen Prasad Singh, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.10.2022 in connection with S.T. No. 314 of 2023 arising out
of Nayagaon P.S. Case No. 75 of 2022, F.I.R. dated 11.10.2022
for the offences punishable under Sections 302, 120B/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the bail application of the petitioner has
been rejected vide order dated 02.08.2023 passed in Cr. Misc.
No. 21213 of 2023.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. She further submits that it



appears from the F.I.R that the allegation is against the co-accused persons who have fired upon the head of the victim and the there is no specific allegation against this petitioner. She further submits that the co-accused, namely, Shiv Kumar Singh against whom there is similar allegation that he has fired upon the back of the victim has been granted bail by this Court vide order dated 27.06.2023 passed in Cr. Misc. No. 16766 of 2023, another co-accused, namely, Ranjit Singh who along with petitioner and other accused persons have fired upon the head of the victim has been granted bail by the learned Court below itself and co-accused, namely Rakesh Kumar @ Gonga has also been granted bail by this Court vide order dated 05.07.2024 passed in Cr. Misc. No. 25632 of 2024. The petitioner is in custody since 21.10.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, other similarly situated persons have been granted bail by this Court as well as period of custody, 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 Sessions Judge-III, Begusarai in connection with
S.T. No. 314 of 2023 arising out of 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 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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