

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67475 of 2023

Arising Out of PS. Case No.-48 Year-2011 Thana- BUNIYAD GANJ District- Gaya

Bhola Singh @ Bholanath @ Bholanath Singh Son Of Late Subedar Singh
Village- Delha, Ps- Buniyadganj, Dist- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-01-2024 Heard learned counsel for the petitioner and

learned A.P.P for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 323, 307, 120(B)/34 of the Indian Penal Code and Sections 25(1-B) a, 26, 27 of the Arms Act.

It is alleged by the informant, who is petitioner before this Court, that co-accused Binod Singh shot at the informant but somehow he managed to escape. He was thereafter apprehended and from his possession, a country made pistol and five live cartridges were recovered. During investigation, it was found that



petitioner himself is the main accused and culprit in the present case.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is land dispute between co-accused Binod Singh and the petitioner, for which a number of cases have been registered by both the parties against each other. In the present case, the petitioner is the informant but at the instance of Binod Singh's brother who was police officer at the relevant time, the petitioner had later been made accused. The petitioner was earlier made accused in Aurangabad P.S. Case No. 286 of 1991 by misusing the power as a police officer by the brother of Binod Singh in which the petitioner was acquitted on 11.07.2005. The Investigating Officer of the case has arrested the petitioner in this case on the basis of supervision report dated 10.10.2012 while in this case, Sessions Trial No. 04/16, 9/16 is running in which co-accused Binod Singh



is facing trial and the petitioner has deposed as witness no. 5 on 23.03.2019 and supported the prosecution case. The petitioner is in judicial custody since 14.05.2023.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is absconding since 2012 and not cooperating in the trial.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VIII, Gaya in connection with Buniyadganj P.S. Case No. 48 of 2011.

The petitioner will cooperate in the trial and shall present himself on each and every date before the Trial Court. Non-appearance of the petitioner before



Trial Court on two consecutive occasions without plausible reason will give liberty to the Trial Court to cancel the bail bonds of the petitioner.

(Sunil Kumar Panwar, J)

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