

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78634 of 2024

Arising Out of PS. Case No.-67 Year-2021 Thana- BENIPATTI District- Madhubani

Shiveshwar Bharti @ Phul Babu Son of Lalan Safi R/O Village - Semhli, P.S.-
Khirhar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Anjani Pd. Singh
		Mr. Ajay Kumar Prasad
For the Opposite Party/s	:	Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-12-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Mr. Rabindra Kumar.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.
3. Learned counsel for the petitioner submits that petitioner is in custody since 25.05.2021. It is next submitted that Vivek Kumar Singh along with Surjeet Kumar Singh @ Sujit Singh had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 51745 of 2021 and the same was taken up along with Criminal Miscellaneous No. 52278 of 2021 (Manoj Jha @ Manoj Kumar Jha Vs. The State



of Bihar) and Criminal Miscellaneous No. 72547 of 2021 (Musafir Singh Vs. The State of Bihar) and the aforesaid criminal miscellaneous were allowed by an order dated 07.07.2022. It is next submitted that thereafter the co-accused Umesh Singh @ Bideo Singh had also approached this Court seeking regular bail by filing Criminal Miscellaneous No. 55797 of 2022 and the same was allowed by an order dated 09.02.2023. It is next submitted that while considering the anticipatory bail application of Vivek Kumar Singh @ Vimlesh Kumar Singh @ Vimlesh Singh & Ors., this Court had recorded- “At the outset, when the case was taken up, an observation was made by the Court that *prima facie*, the case appears to be very heinous where five murders have taken place as such, the Court *prima facie* in the nature of allegation was not inclined to exercise its jurisdiction of extending the privilege of anticipatory bail to the petitioners but the learned Senior counsel who had appeared on behalf of the petitioners had submitted that no doubt the case *prima facie* appears to be heinous, but if matter is not heard on merits, perhaps it would be a travesty of justice and injustice may be caused.

4. The learned counsel submits that thereafter the case was heard in detail and the privilege of anticipatory bail was



granted to the aforesaid petitioners and thereafter regular bail was granted to Umesh Singh.

5. It is next submitted that in the case altogether there are 28 charge sheet prosecution witnesses out of whom till date only two prosecution witnesses have been examined though the regular bail application of this petitioner was rejected by a learned Co-ordinate Bench by an order dated 11.04.2023 in Criminal Miscellaneous No. 12205 of 2022.

6. Learned A.P.P. for the State, Mr. Rabindra Kumar, opposes the prayer for regular bail of the petitioner and submits that since trial has commenced, as such, no useful purpose would be served by releasing the petitioner on bail. It is also submitted that petitioner may abscond, on which the the learned counsel for the petitioner submits that no doubt the trial has commenced, but there are 28 prosecution witnesses and the trial is not going to be concluded in near future and the petitioner assures this Court that he will not abscond rather will cooperate in the trial to prove his innocence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Benipatti P.S. Case No. 67 of 2021.

8. However, it is made clear that if the learned Trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith.

9. Accordingly, the instant regular bail application stands allowed.

(Satyavrat Verma, J)

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