

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85526 of 2023

Arising Out of PS. Case No.-2 Year-2017 Thana- BIBHUTIPUR District- Samastipur

Lal Babu Singh SON OF LATE RAM JEEVAN SINGH Resident of Village
Shivnathpur PS Bibhutipur Dist Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
	:	Mrs. Vaishnavi Singh
For the Opposite Party/s	:	Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, it is alleged that co-accused Kamal Kishore Kamal fired with pistol at younger brother of the informant Braj Kishore with intention to kill him due to which he sustained gun shot injury. Thereafter, this some unknown miscreants along with this petitioner started indiscriminate firing. The brother of the informant died due to gunshot injuries.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of FIR, it transpired that the specific overt-act is against co-accused Kamal Kishore who fired at ear-pit of the deceased due to which he succumbed to gunshot injury. The only allegation against the petitioner is to involve in the conspiracy to kill brother of the informant. It is also submitted that after completion of the investigation, Final form No. 536 of 2021 dt. 31.12.2021 has been submitted against the petitioner and he was not sent up for trial. Moreover, the petitioner is languishing in judicial custody since 13.6.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner has got several criminal antecedents.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Bibhutipur P.S. Case No. 02 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera, District-



Samastipur.

(Sunil Kumar Panwar, J)

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