

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.363 of 2025

Arising Out of PS. Case No.-24 Year-2024 Thana- CHIRAIYA District- East Champaran

Rajan Singh @ Rajan Kumar S/o- Tuntun Singh @ Subhay Kumar Singh
Village-Haraj, P.S-Chiraiya(Sikarganj), Dist-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the State : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-02-2025 Heard Mr. Binay Kumar, learned counsel for the

petitioner and Mr. Arun Kumar Pandey, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chiraiya (Sikarganj) P.S. Case No. 24 of 2024, F.I.R. dated 19.01.2024 for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including the petitioner came and started abusing brother of the informant. It is further alleged that co-accused Sunni Kumar fired 4 to 5 rounds on the brother of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR, the name of the petitioner has been transpired during the investigation on the basis of the confessional statement of the



deceased's wife and except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person, namely, Sonu Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 31.07.2024 passed in Cr. Misc. No. 35452 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner has clean antecedent, he is not named in the FIR and name of the petitioner has been transpired on the basis of the confessional statement of the deceased's wife and similarly situated other co-accused person has already been granted the privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Sub-Divisional Judicial Magistrate, Sikrahana in connection with Chiraiya (Sikargenj) P.S. Case No. 24 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other 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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