

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54523 of 2025

Arising Out of PS. Case No.-124 Year-2019 Thana- PHULWARIA District- Begusarai

Saroj Singh @ Ghanti @ Himanshu Kumar Son of Late Rajendra Singh @
Rajendra Prasad Singh Vill -Phulwaria-03, Ward no. 2, Ps -Phulwaria Dist
-Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Phulwaria P.S. Case No. 124 of 2019 registered for the offences
punishable under Sections 341, 307, 302, 504/34 of the IPC and
Section 27 of the Arms Act.

3. As per prosecution case, on 12.09.2019 the
informant along with his parents and Amit was chatting outside
of the house. Meanwhile, co-accused Nand Kishore Singh and
petitioner arrived in front of informant's house and stopped.
Thereafter, three co-accused persons namely, Anil Singh, Manoj
Kumar @ Manti and Kamlesh Kumar came on a motorcycle and
caught hold the informant's brother and at the behest of co-



accused Anil Singh, co-accused Manoj Kumar Singh @ Manti took out pistol from his waist and made firing on the chest of informant's brother (Amit Kumar) from a close range. It is further alleged that co-accused Kamlesh Kumar with intention to kill made firing upon the informant but it was misfired. It is further alleged that informant's brother was taken to the hospital where he has been declared dead.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that from bare perusal of the FIR, it is clear that only petitioner's presence was shown along with co-accused persons at the place of occurrence and except the aforesaid material, no specific role is attributed against the petitioner. He further submits that alleged occurrence took place on 12.09.2019, the inquest report was prepared on 13.09.2019 at 06:10 AM and FIR was lodged on 13.09.2019 at about 8:45 AM meaning thereby, the case has been lodged by the informant by getting the actual physical injury on the body of the deceased and there is delay of one day in lodging the FIR which questions the authenticity of the prosecution story. He further submits that co-accused Nand Kishore Singh, having similar allegation, has



already been granted bail by co-ordinate Bench of this court vide Cr. Misc. No. 14672 of 2020 and on the principle of parity, the petitioner deserves bail. He further submits that petitioner bears criminal antecedent of three cases in which he is on bail. Petitioner is in custody since 20.12.2024. Charge sheet has been submitted in the case, as mentioned in the impugned order and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is one of the participants in the alleged occurrence and hence, he does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-I cum Special Judge, NDPS Act & P.O. of



Children Court, Begusarai in connection with Phulwaria P.S.
Case No. 124 of 2019 corresponding to S.T. No. 543 A of 2021,
subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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