

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67807 of 2024

Arising Out of PS. Case No.-128 Year-2022 Thana- PARBATTa District- Khagaria

Guddu Singh, aged about 30 years (Male), Son of Late Kishori Singh,
Resident of Village -Sri Rampur Thuthi, P.S -Parbatta, District -Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate
For the Opposite Party : Mr. Satyendra Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 02-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions
Trial No. 90 of 2024, arising out of Supplementary Parbatta P.S.
Case No. 128 of 2022 dated 19.03.2022 registered for the
offences punishable under Section 302 read with Section 34 of
the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 19.03.2022 at about
7.00 P.M., the informant was distributing wages to the labourers
at that time 6-8 miscreants came on three motorcycles and tried
to drag Sanjay Chaudhary, the brother of the informant, and
also assaulted him. On hearing of hue and cry by Sanjay
Chaudhary, the brother of the informant, the informant and



others rushed towards Basa and saw that the co-accused Chhiku Singh fired on the head of the victim, the co-accused Vikash Singh fired on the left hand of the victim and Guddu Singh (petitioner) fired on the chest of the victim. It is further alleged that after seeing the informant and others, the co-accused persons, Pikku Singh, Rikku Singh and Vishwakarma Singh, fired on them with an intention to kill them. Thereafter, the accused persons fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that there is land dispute between the parties. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner fired on the chest of Sanjay Chaudhary (deceased), the brother of the informant, but the doctor who has conducted postmortem of Sanjay Chaudhary (deceased), has not found any firearm injury on the chest of the deceased. It is further submitted that the informant in the F.I.R. has not disclosed the motive for the commission of the alleged offence. He has no concern with the alleged offence. No incriminating article has been recovered from the possession of the deceased. The other co-accused Pinku Singh @ Shikesh Singh @ Tinku Singh @ Piku Singh @



Pintu Singh has already been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 43646 of 2022 under order dated 23.11.2022. The petitioner has twelve (12) criminal antecedents and in all the cases, he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 06.08.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has further submitted that the petitioner and the other co-accused persons have committed murder of the brother of the informant.

6. Vide order dated 25.10.2024, a progress report of trial was called for. In compliance of the aforesaid order dated 25.10.2024, a report with respect to the present stage of the case has been received from the court of learned Additional Sessions Judge-VII, Khagaria, vide its Letter No. 86/2024 dated 21.11.2024 in which it has been reported that the case is fixed for prosecution evidence and summons andailable warrants have already been issued against the witnesses but none has turned up as yet. The next date was fixed for prosecution evidence on 22.11.2024.

7. From perusal of the aforesaid report with respect to the present stage of the case, it appears that in the present case,



no witness has been examined till date.

8. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII, Khagaria in connection with Sessions Trial No. 90 of 2024, arising out of Supplementary Parbatta P.S. Case No. 128 of 2022 with further conditions:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

II. If the petitioner is found involved in similar nature offence in future, his bail bond is liable to be cancelled.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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