

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81917 of 2024

Arising Out of PS. Case No.-335 Year-2021 Thana- ATRI District- Gaya

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Babloo Singh @ Bablu Singh Son of Parsuram Singh R/O Vill.- Malti, P.S.-
Atri, P.O.- Dariyapur, Dist.- Gaya, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kritika Upadhyaya, Advocate
For the State : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 11-04-2025 Heard the parties.

2. The petitioner is in custody in connection with Atri P.S. Case No. 335 of 2021 for the offence punishable under sections 302 and 34 of the Indian Penal Code, lodged on 11.10.2021 by the informant, Gorelal Pandey.

3. As per the prosecution story, it is alleged that accused persons after abusing the informant's side on the instigation of the petitioner's uncle, Bhola Singh, the petitioner herein opened fire causing immediate death of informant's son Ritik. The reason behind the said act is attributed to the fact that the informant had voted for a candidate against the will of the accused persons.

4. Earlier the bail application of the petitioner was rejected on 23.08.2022 in Cr. Misc. No. 27143 of 2022, now the fresh application has come in which a report was called for



which has come vide letter no. 147 dated 05.03.2025 shows that out of twelve witnesses, only five has been examined till 05.03.2025.

5. Learned counsel for the petitioner submits that though he has criminal antecedent, the fact remains that the occurrence took place due to celebrity firing after the election of the 'Mukhiya' but once the occurrence took place, it has been attributed to this petitioner. She has taken this Court to paragraph nos. 56 and 57 of the case diary where the independent witnesses have stated that it was on the behest of the 'Mukhiya' and on his order that at a particular place, the celebrity firing took place causing bullet injury to the deceased. However, later a case was made out showing it to be a deliberate act.

6. The contention is that the petitioner has already suffered by being in custody since **18.10.2021** (paragraph no.4 of the petition) and if granted bail, shall be diligently appearing in trial and further shall not indulge in any criminal activity failing which the State shall be free to take steps for cancellation of his bail bonds.

7. Mr. Bharat Bhushan, learned APP opposes the prayer for bail submitting that as per the allegation, he opened



fire causing death of the informant's son, the trial is on and as such, he does not deserve bail.

8. Considering the submissions put forward by the parties as also the facts that emerges in the case diary, as incorporated above, though his name in the F.I.R., a role has also been assigned, the fact remains that he is in custody since 18.10.2021, as per the Trial Court report, the trial is not likely to concluded at an earliest, an undertaking has been given that he shall be diligently appearing in trial and not indulge in any criminal activity failing which the State shall be free to take steps for cancellation of his bail bonds, in that background, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I, Gaya, in connection with Atri P.S. Case No. 335 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. Anything recorded in this order shall not be taken into account during the course of trial as the same has been observed only for the purpose of grant of bail.

10. Before parting, this Court would like to put on record its word of appreciation for Ms. Kritika Upadhya learned counsel appearing on behalf of the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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