

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.89445 of 2024**

Arising Out of PS. Case No.-65 Year-2024 Thana- SUGAULI District- East Champaran

Shivam Kumar Singh S/o Satyendra Singh Resident Of Village- Dangarha,  
PS- Majarganj, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      07-02-2025                      Heard the learned Advocate for the petitioner and the  
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody  
in connection with Sugauli P.S. Case No. 65 of 2024, registered  
for the offence punishable under Section 302 of the Indian Penal  
Code and Section 27 of the Arms Act.

3. Allegedly, while the husband of the informant was  
going to *Motihari* in his car and when he reached near Toll Tax  
at *Sugauli*, at about 01:00 PM, some of the miscreants  
surrounded him and made indiscriminate firing, resulting into  
his death.

4. Learned Advocate for the petitioner contended that  
the FIR has been instituted against unknown miscreants,  
however, when the re-statement of the informant was recorded



by the police, wherein, she has narrated that the husband of the informant was indulged in property dealing business and on the alleged date of occurrence, the petitioner went to *Hawai Adda Chowk* where the soil filling work was going on. On the aforementioned place, the deceased met with the co-accused *Santosh Singh @ Santosh Kumar Singh*, thereafter, he went to *Motihari* and in the way, he was shot dead. Barring suspicion, there is no material suggesting the involvement of the petitioner in the crime. It is also contended that during the course of investigation, co-accused *Santosh Kumar @ Santosh Kumar Singh* was apprehended and he confessed the complicity of the petitioner. Thereafter, the police apprehended the petitioner and he also made confession before the police, wherein, it has been disclosed that the petitioner along with others have sent the photographs of the car as well as registration number, from which the deceased was going to *Motihari* and in the way, killed by the miscreants. The entire case is revolving around the confessional statement of co-accused. Moreover, co-accused *Santosh Kumar @ Santosh Kumar Singh*, on whose confession the name of the petitioner has transpired, he has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 34904 of 2024 vide order dated 26.07.2024. It is further contended that one *Sravan Kumar*, who is also facing identical allegation, he



has also been allowed the privilege of regular bail by this Court in Cr. Misc. No. 67078 of 2024 vide order dated 04.10.2024. The petitioner has been incarcerated since 18.04.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is the person, who along with other co-accused person, had sent the photograph of the car and the registration number, through which the deceased was going and later on, he was killed by the miscreants. The complicity of the petitioner is writ large, moreover, the petitioner bears one criminal antecedent also.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the co-accused person, on whose confession the name of the petitioner has surfaced, he has been accorded the privilege of regular bail, moreover, the entire case is based on confessional statement and suspicion; the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1<sup>st</sup> Class, Sadar Motihari, East Champaran in connection with Sugauli P.S. Case No. 65 of 2024, subject to the condition that



one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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