

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46251 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -AAYAR District- BHOJPUR

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1. Sanjay Singh Son of Shri Nath Singh @ Churan Singh Resident of
Village - Baligaon, Police Station - Ayar, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Surendra Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 08-02-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor representing the State.

The petitioner seeks bail in connection with Ayer P.S.
case No. 20/2015 registered for the offences punishable under
sections 302/34 of the Indian Penal Code.

Allegedly, Satyendra Singh @ Chengar Singh, father-
in-law of the informant, was assaulted by the petitioner and two
others, first information report named accused persons, with fists,
slaps and Danda brutally and thereafter the villagers brought the
injured in the house, who died in the morning as there was no
male member to get him treated. It is alleged that the petitioner
was having illicit relationship with the eldest daughter-in-law of
the deceased.



Submission is of false implication and that the informant is not an eye witness, during the investigation also no one has come forward to say that the petitioner was assaulting the deceased, no offence punishable under section 302 of the Indian Penal Code is made out, during the supervision it has come that the deceased and petitioner used to take drink and that at the time of occurrence the deceased was in drunken condition. It is submitted that in drunken condition the deceased might have fallen down and received injuries and as such the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer for bail by submitting that there is direct allegation against the petitioner and other accused persons of assaulting the deceased brutally.

In the facts and circumstances stated above, considering that the informant and other witnesses are not eye witnesses of the occurrence and further it reveals that no treatment was provided to the deceased, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, Ara in connection with Ayer P.S. case No.20/ 2015, subject to the conditions that one of the bailors must be near relative and another

having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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