

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53037 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -DIDARGANJ District- PATNA

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Birju Singh @ Brij Nandan Singh Son of Chanbhit Singh, Resident of
Village- Nizampur, Police Station- Didarganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. M/s Ram Naresh Ray and Yogendra Kumar, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar
For the State	:	Sharda Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

The petitioner is languishing in judicial custody since
7th September 2016 in connection with Didarganj Police Station
Case No. 10 of 2016, corresponding to G.R. No. 104 of 2016 for
offences alleged under sections 147, 148, 149, 323, 325, 307, 379
of the Indian Penal Code and later on, section 302 of the Indian
Penal Code has been added.

Prosecution case, as lodged by the informant, is that



on 03.01.2016, at about 8 P.M., the petitioner along with six accused persons, entered into the house of the informant with lethal weapons searching informant's husband whereupon informant's son, namely, Subhash Prasad said that Papa is outside from home thereafter, all the accused persons assaulted them with *Lathi, Danda* and *Iron Rod*, on that account, they sustained injury. On hulla, Dewar of the informant, namely, Bideshi Singh reached there to save their life, but Brij Nandan Singh (petitioner) assaulted him with weapon on his head and eyes. The accused persons also assaulted informant's cousin Dewar, namely, Puttu Singh and Dewar Chhatu Kumar and Sadhu Singh and snatched the Ear Ring, Mangal Sutra and Golden chain of the informant and escaped away from there. The informant and her Dewar, Bideshi Singh, was brought to Primary Health Centre, but the Doctor referred to P.M.C.H. for better treatment and then the informant and her dewar's treatment was going on in P.M.C.H, who later on died.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, has no criminal history and has falsely been implicated in the aforesaid case due to personal enmity and land dispute. It has been submitted that the allegation is against seven persons, who had jointly assaulted the deceased



with *lathi*, *danda* and *iron rod* and subsequently, the name of the petitioner has been added separately, as such, the allegation of injury on the deceased, cannot be attributed to the petitioner only. It has further been submitted that the deceased was admitted to the Hospital and discharged after a few days and the charge-sheet has already been submitted against the petitioner, hence there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant submits that the petitioner is named in the First Information Report and it is the injury caused by the petitioner that the Dewar of the informant succumbed to his injury. The deceased was constantly under medical examination and died after seven months.

However learned AP.P. for the State also opposes the prayer for bail.

Considering the aforesaid facts and circumstances and submission of the parties, since the charge-sheet has already been submitted against the petitioner, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Anant Kumar, Judicial Magistrate 1st class, Patna City, Patna in connection with Didarganj Police Station Case No. 10 of 2016, subject to the condition that one of the



bailors must be a close relative of the petitioner and other bailor must have sufficient immovable property within a jurisdiction of concerned police station/court and the petitioner must appear before the court below on each and every date. Failure to appear before the court below on two consecutive dates without assigning any rhyme or reason will be liable for cancellation of his bail bonds without being prejudiced with this order.

(Nilu Agrawal, J)

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