

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22368 of 2017

Arising Out of PS.Case No. -244 Year- 2016 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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Uma Shankar Singh S/o Late Ram Prasad Singh, Resident of Village-
Shitalpatti, P.S.- Chiraiya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anang Mohan Sinha, Advocate

For the Opposite Party/s : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 24-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
28.11.2016 in connection with Chiraiya P.S. Case No. 244 of 2016
registered for the offence punishable under Section 302 and other
allied sections of the Indian Penal Code.

The prosecution case is, as lodged by the informant, is
that while he and his deceased father, Late Om Prakash Singh
were returning after distributing cards, accused Lalbabu Singh and
Amod Singh assaulted them with bamboo phatha and other co-
accused persons, some of them named in the First Information
Report, also assaulted. Resultantly his father succumbed to injury.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and that allegations are not specific against the petitioner and some of the co-accused persons have been granted the privilege of pre-arrest bail by a coordinate Bench of this Court. He submits that general and omnibus allegations have been levelled and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel for the informant submits that there was a political rivalry as the petitioner's side are powerful political persons, there is another case pending between them and the petitioner is named in the First Information Report, hence, vehemently opposes the prayer for bail. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sikrahna at Dhaka in connection Chiraiya P.S. Case No. 244 of 2016 on completion of one year in custody, subject to the condition that



one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is also made clear that petitioner will not induce or tamper with the prosecution evidence.

(Nilu Agrawal, J.)

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