

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58817 of 2017

Arising Out of PS.Case No. -235 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

=====

1. Binod Singh, S/o Chunchun Singh, resident of Village- Lodiya, P.S.-
Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Advocate
Mr. Binod Murari Mishra

For the informant : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 18-12-2017 Learned Senior Counsel for the petitioner files a
supplementary affidavit.

Heard learned Senior Counsel for the petitioner and
learned Senior Counsel for the informant as well as learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 19.11.2016 in
connection with a case registered for the offences punishable
under Sections 302/201/120(B) of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits
that though the present petitioner is named in the First Information
Report and he is amongst those persons who is said to have
assaulted the deceased, the Medical report which has come,
reveals only three injuries, two of which have been found to be



lacerated injuries whereas it is said to be on the front parietal region. He further submits that the medical report also can be placed under the cloud in view of the fact that the death is said to have taken place within 3 to 5 days of the date of occurrence which, in the First Information Report, is said to be 14.05.2016. Learned Senior Counsel further submits that in view of the contrary report of the Medical Board, the alleged date of disappearance also comes under cloud. It is further submitted that the present petitioner Binod Singh is also named in the statement made by one of the witnesses who has claimed to be an eye-witness but whose statement also cannot be given credence as the person who was accompanying him has given a statement which does not tally with his statement. Learned Senior Counsel next submits that similarly situated Bipin Singh has since been released on regular bail in Cr. Misc. No. 48725 of 2017 vide order dated 15.11.2017 on the ground that the charge is yet to be framed at the trial and that the petitioner has already been in custody for around one year. He thus submits that the petitioner's case is identical and he may be also released on regular bail.

Learned Senior Counsel appearing on behalf of the informant has, however, seriously contested the bail application stating that in most of the cases, the prayer of bail of F.I.R. named



accused persons have been rejected and, therefore, the petitioner does not deserve such consideration as is being claimed by learned Senior Counsel for the petitioner. He further submits that the statement under Section 164 Cr. P.C. by the person who is said to have witnessed the occurrence clearly names the petitioner and, therefore, it is a fit case in which the prayer for bail may be rejected.

Learned counsel for the State is present who opts for referring to the case diary.

Having heard the parties and upon considering all facts and circumstances and taking into consideration the period of custody already undergone, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge 1st, Lakhisarai, in connection with Sessions Trial No. 61 of 2017 arising out of Lakhisarai P.S. Case No. 235 of 2016, subject to the following conditions:-

- (1) One of the bailors will be his own relative, namely, father, mother, brother, sister and/or their wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.



- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

Saif/-

U		T	
---	--	---	--

