

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38488 of 2017

Arising Out of PS.Case No. -27 Year- 2017 Thana -TIYAR District- BHOJPUR

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1. Ramchandra Singh, Son of Late Vilashi Singh, Resident of Village-Araila, P.S.-Tiyar, District-Bhojpur, Arrah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmatma Singh

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioner, the State and the learned counsel appearing for the informant.

The petitioner apprehends arrest in Tiyar P.S. Case No. 27 of 2017 instituted for the offence under Sections-307, 302 & other minor Sections of the Indian Penal Code.

It is alleged in the written report that one Mannu Singh assaulted on the head of nephew of the informant with iron rod and thereafter, Arun Singh assaulted with lathi and accused Hiran Kumar Singh assaulted with Danda. It is alleged against this petitioner that he also assaulted the nephew of the informant with Danda and Reena Devi assaulted with piece of bamboo causing injury to him.

Counsel for the petitioner has submitted that during postmortem examination, only one injury was found on the head of the deceased which proved fatal to the deceased. Besides this, there is no



other injury was found on the person of the deceased.

Counsel for the informant has submitted that there is allegation against this petitioner and other accused persons of assaulting the deceased and he succumbed to the injuries. It is a heinous offence. In support of such submission, she relied on a decision reported in 1977 SCC (4) 308.

The postmortem report has been annexed as Annexure-2 to this petition wherein the doctor conducting the postmortem has found only one injury on the head of the deceased which proved fatal to the deceased.

The allegation against the petitioner is of general and omnibus nature of assaulting with other accused with lathi. There is specific allegation against co-accused Mannu Singh of assaulting on head of nephew of informant with iron rod. In paragraph-3 of the petition, it has been mentioned that the petitioner has no criminal antecedent.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Tiyyar P.S. Case No. 27 of 2017 to the satisfaction of Sri Rajesh Kumar, learned Judicial Magistrate-Ist Class, Bhojpur, Ara subject to condition as laid down u/S



438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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