

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40567 of 2018

Arising Out of PS. Case No.-189 Year-2016 Thana- RIVILGANJ District- Saran

Bhim Singh S/o Late Saheb Singh, R/o Vill.- Sirisiya, Post- Sirisiya, P.S.-
Revelganj, District- (Saran).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kr Singh No.3

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this Court for bail
which was rejected vide order dated 24.05.2017 passed in Cr.
Misc. No. 11938 of 2017.

Petitioner is languishing in judicial custody since
24.11.2016 in connection with Sessions Trial No. 94 of 2017,
arising out of Revelganj P.S. Case No. 189 of 2016 for offences
punishable under Section 307 and other allied Sections of the
Indian Penal Code. Subsequently, Section 302 I.P.C. was also
added.

The prosecution case, as lodged by the informant, is
that his father was working at a petrol pump as a Nozzle Man
and on the date of occurrence after closing the petrol pump he



had gone to the line hotel of one Basant Singh to have food where five persons assaulted him with fists, slaps and rod and three persons including the petitioner have been named in the F.I.R. The hotel owner and the pump employee Tuntun Singh informed the informant about the incident and the informant's father was taken to the hospital where during course of treatment he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the hotel owner and the staff of the petrol pump Tuntun Singh who had seen the occurrence and had identified the petitioner and others, have not been examined during investigation and one of the co-accused named in the F.I.R. has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 16568 of 2018 vide order dated 16.05.2018 on similar allegations. He further submits that the petitioner undertakes to cooperate in the trial and the trial is at an advanced stage.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner along with others has assaulted the informant's father, due to which he



succumbed to the injuries.

Considering the facts and circumstances and the materials on record and that other F.I.R. named co-accused on similar allegations has already been granted bail, let petitioner, above named, 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 learned 2nd Addl. Sessions Judge, Saran at Chapra, in connection with Sessions Trial No. 94 of 2017, arising out of Revelganj P.S. Case No. 189 of 2016, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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