

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9815 of 2019

Arising Out of PS. Case No.-104 Year-2018 Thana- EKMA District- Saran

BAIKUNTH SINGH @ ABHAY SINGH, Male, aged about 55 years, Son of Jagarnath Singh @ Jagannath Singh, Resident of Village- Bharhopur, P.S.- Ekma, District- Saran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Raghav Prasad, Adv.
For the Opposite Party : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-02-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 19.11.2018 in connection with Ekma P.S. Case No. 104 of 2018 for the offences alleged under Sections 279, 337, 338, 341, 323, 324, 307, 325 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was taking his sister and niece on motorcycle for their examination, a four wheeler hit his motorcycle on which they fell down. Thereafter, the petitioner along with other co-accused started assaulting the informant, his sister and niece by means of iron rod, hockey stick and lathi-danda causing injuries on the informant, his sister and his niece.

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 accident occurred between the two vehicles and the injury caused is not attributable to the petitioner. He, further, submits that two of the co-



accused named in the first information report have since been granted the privilege of pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 2032 of 2019, dated 04.02.2019, and the petitioner has been made accused only on presumption. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Ekma P.S. Case No. 104 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Saran at Chapra, subject to the condition that 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.

(Nilu Agrawal, J)

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