

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66760 of 2018

Arising Out of PS. Case No.-298 Year-2012 Thana- CHAPRA TOWN District- Saran

Sanjay Singh Son of Ramagya Singh, resident of Village- Manupur Manjhan,
P.S.- Doriganj, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 31-01-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 20.7.2018 in a case registered for the offences punishable under Sections 302/34 of the I.P.C.

The prosecution case, as per the Complaint Case No. 1194 of 2012 filed by Dhorai Singh, which came to be registered as police case after the complaint being transferred to the police under Section 156(3) of Cr.P.C., is to the effect that the son of the informant, namely, Munna Kumar was working as labourer under the petitioner being contractor. On 18.3.2012 at 7.00 A.M. the petitioner and co-accused Rajesh Kumar came to the house of the informant and asked his son for working in the house of co-accused Mukul Singh when the son of the informant demanded his due wages to the tune of Rs.1700/-. On great



persuasion, the son of the informant became ready to go with the petitioner and co-accused Rajesh Kumar. It is alleged that during hot exchange, the accused persons including the petitioner assaulted the informant's son. Thereafter, the informant's son was taken to Sadar Hospital, Chapra where he was declared dead.

It is submitted by learned counsel for the petitioner that for the occurrence of 18.3.2018, the complaint was filed on 31.7.2012 and subsequently the FIR was registered on 17.10.2012. Admittedly, there is no eye witness to the assault though during post mortem, the cause of death has been opined as hemorrhage and shock. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that several witnesses during investigation did not support the prosecution case.

Learned APP after going through the case diary submits that the specific case of the informant is that his son was assaulted by the petitioner and others in the house of co-accused Mukul Singh and that the accusation is being corroborated by the medical opinion.

Considering the delayed lodging of the case and the



fact that the investigation has already been concluded, the period under custody, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Saran at Chapra in connection with Chapra Town P.S. Case No.298 of 2012.

(Dinesh Kumar Singh, J)

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