

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81009 of 2019

Arising Out of PS. Case No.-187 Year-2019 Thana- ITARHI District- Buxar

BANARASI SINGH Son of Kamla Singh Resident of Village - Bhikhampur,
P.S. - Itadhi, District – Buxar. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, APP

For the Informant : Mr. Birendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-12-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner in this case is seeking regular bail in connection with Itadhi P.S. Case No. 187 of 2019 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that from a bare reading of the first information report it will appear that though the petitioner is named therein but the specific allegation of giving order to kill the son of the informant is against the co-accused Shiv Dani Giri and the allegation of firing at the son of the informant is against the co-accused Kunjan Giri and Prince Giri. There is no allegation at all that this petitioner had caused any firing upon the deceased.

It is the contention of learned counsel for the



petitioner that while the petitioner was working in his field and was engaged in cultivation work, the Police party reached there, badly assaulted him, he became unconscious because of the beatings given by Police and these things have been videographed by the villagers. The said video was sent to the senior police officer of the State whereupon the Station House officer of the concerned Police Station was placed under suspension.

Learned counsel has also pointed out to this Court the report of the Community Health Center, Rajpur, Buxar of the same day showing that this petitioner was traumatically injured and had pain and swelling as also he was bleeding on the said date when he was brought to the Health Center.

Learned counsel submits that it is a case of false implication and brutality of the Police force is apparent on the face of the materials present.

Learned counsel for the informant has opposed the prayer for bail of the petitioner. Learned counsel submits that the Police has registered a separate case against this petitioner being case No. 188 of 2019. However, learned counsel for the informant having gone through the FIR does not dispute the position that in the FIR there is no allegation of firing against this petitioner.



Learned counsel for the State is present and has endorsed the submission of learned counsel for the informant.

Considering the facts and circumstances of the case, the materials available on the records and the submissions of learned counsel for the petitioner that in the FIR there is no allegation of firing against this petitioner and that it is a false implication by police and a case of police atrocities while trying to make out a false case as also that the petitioner has no criminal antecedent, the petitioner having remained in jail for about six months, let the petitioner above named be released on bail in connection Itadhi P.S. Case No. 187 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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