

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6666 of 2020

Arising Out of PS. Case No.-454 Year-2019 Thana- BIHTA District- Patna

Sachidanand Singh, Son of Late Ram Janam Sharma, Resident of Village -
Sikandarpur, P.S.- Bihta, Distt.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Smt.Veena Kumari Jaiswal, Advocate
For the S t a t e	:	Mr.Anant Kumar 1, APP
For the Informant	:	Mr. Gopal Govind Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-05-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State as well as Mr. Gopal Govind Mishra, learned counsel appearing for the informant, who has opposed the prayer for bail.

The petitioner seeks bail in connection with Bihta P.S. Case No.454 of 2019 instituted for the offence punishable under



Section 302/120B of the Indian Penal Code and Section 27 of the Arms Act.

The informant's brother was returning home after performing *Puja* at Divyadham Mandir where he was a priest. Two unknown criminals have stopped the brother of the informant and fired at his temporal region. Other person accompanying the informant's brother has also sustained injury. His brother, however, has been killed. The instant petitioner has been implicated in this case in course of investigation.

The petitioner's Counsel submits that the instant petitioner and the informant of the case are co-villagers and well-known to each other since long. The petitioner, however, has not been named by the informant. Prior to the instant case, the petitioner has no criminal antecedents and that the petitioner is not in any way involved in the killing of the informant's brother. The *bona fide* of the petitioner is evident from the fact that he has been arrested from his home. No recovery of incriminating material has been made from the petitioner's possession.

The further submission is that one Sudarshanacharya is alleged to have been misappropriating the assets/property of the Divyadham Mandir. The petitioner's dispute with the said



Sudarshanacharya has been highlighted in the F.I.R. and even in the investigation. The petitioner at best was an employee of the Trust in question. He was duty bound to do *Pairvi* in the pending litigation concerning the “Mandir” and beyond that he has no concern with the dispute between the informant, his brother and the said Sudarshanacharya, who is also said to be in custody. The investigation has found Sudarshanacharya to be the conspirator. The petitioner by virtue of his employment in the Trust has been made an accused merely on suspicion.

Further submission of the petitioner’s counsel is that the petitioner has no criminal antecedents and he is in custody since 12.09.2019. The main conspirator, namely, Sudarshanacharya is also in custody.

Learned APP for the State and the learned counsel for the informant have opposed the prayer for bail and have submitted that the investigation has revealed the petitioner’s involvement also. Even the supervision note of the Assistant Superintendent of Police has named the petitioner as part of conspiracy.

Considering the rival submissions, this Court is inclined to allow petitioner’s prayer for bail.

Accordingly, 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-I, Danapur, in connection with Bihta P.S. Case No.454 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner



shall be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned ACJM-I, Danapur and the competent authority of the State in terms of clause (3) i of Notice II published in the Cause List uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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