

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23233 of 2020

Arising Out of PS. Case No.-331 Year-2018 Thana- BIDUPUR District- Vaishali

Abhimanyu Singh @ Abhimanyu Kumar @ Abhimanyu Son of Maheshwar
Singh Resident of Village - Chaichar, P.S.- Bidupur, District – Vaishali
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner	:	Mr. Deepak Kumar Sinha, Advocate
For the State	:	Mr. Addl Public Prosecutor
for the informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-11-2020 Heard learned counsel for the petitioner, the informant and the State through Video Conferencing.

The petitioner seeks bail in a case registered for the offence punishable under sections 307/302 and other ancillary sections of the Indian Penal Code.

Prosecution's case, in brief, is that on 21.8.2018 at about 11 pm the petitioner and other accused persons, all named in the FIR, armed with iron rod, lathi and farsa came and assaulted the informant on his head and when his brother tried to rescue him, the accused persons also assaulted him with iron rod on his ear due to which he became unconscious and succumbed to the injuries during treatment.

Learned counsel for the petitioner submits that there is general and omnibus allegation against all the accused persons including the petitioner. Besides this, in the post mortem report, the doctor has not found any external injury over the body. He has also not disclosed his opinion regarding exact cause of death. In paragraph 3 of the bail petition, it is stated that the petitioner has got no criminal antecedent and he is in custody



since 6.7.2019. Charge sheet has also been filed in the case and for the occurrence of 21.8.2018 FIR has been lodged on 24.8.2018 without explanation of delay.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above 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 Chief Judicial Magistrate, Vaishali at Hajipur in Bidupur Police Station Case No. 331 of 2018 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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