

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23340 of 2020

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

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Sanjay Singh Son of Maheshwar Singh Resident of Village - Chaichar, P.S.-
Bidupur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 14-12-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner seeks bail in connection with
Bidupur P.S. Case No. 331 of 2018 registered for the offences
punishable under Section 341, 323, 324, 307, 379, 504, 506 and
302 of the Indian Penal Code.

3. As per the prosecution case, five named accused
persons including the petitioner herein are alleged to have come
variously armed with iron rod, lathi and *farsa* and assaulted the
informant and his brother, due to which the informant and his
brother sustained injuries. The brother of the informant had
sustained injuries on his ear and he died in course of treatment.

4. It is submitted by the learned counsel for the



petitioner that similarly circumstanced co-accused Abhimanyu Singh @ Abhimanyu Kumar @ Abhimanyu has been granted bail by a Bench of this Court vide order dated 2.11.2020 passed in Cr. Misc. No. 23233 of 2020 and co-accused Rina Devi and Ram Dulari have been granted pre-arrest bail by another Bench of this Court vide order dated 06.10.2020 passed in Cr. Misc. No. 10858 of 2020. He contended that the allegations made in the FIR are general and omnibus in nature. Though there is allegation that the deceased died due to the injuries sustained by him on his ear, the post-mortem report would reflect that no external injury was found over his body and, in the opinion of the doctor, cause of death was not clear for which the viscera was preserved.

5. Learned counsel for the State has opposed the application for grant of bail to the petitioner. However, after going through the orders passed in Cr. Misc. No. 23233 of 2020 and Cr. Misc. No. 10858 of 2020, he failed to distinguish the case of the petitioner from the case of other accused persons, who have been granted either pre-arrest bail or bail by different Benches of this Court.

6. Having regard to the facts and circumstances of the case, the submissions advanced on behalf of the parties and the



reasons assigned in the order dated 06.10.2020 passed in Cr. Misc. No. 10858 of 2020 after examining the case diary, the petitioner, who is in custody since 27.09.2018, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, Hajipur in connection with Bidupur P.S. Case No. 331 of 2018.

7. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.



- (iv) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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