

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79060 of 2019

Arising Out of PS. Case No.-92 Year-2018 Thana- DARAUNDA District- Siwan

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Rahul Singh @ Rahul Kumar Singh, aged about 23 years, male, son of
Ramlayak Singh, resident of Tesuwar, P.S. Rasulpur, District-Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Satya Prakash Parasar, learned counsel for the petitioner and Dr. Ajeet Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Darondha (MH Nagar) PS Case No. 92 of 2018 dated 22.05.2018, instituted under Sections 147/302/427 of the Indian Penal Code.

4. The allegation against the petitioner and others is of having brutally assaulted the cousin brother of the informant



with *lathi*, *danda* and brick bats causing serious injuries leading to his death.

5. Learned counsel for the petitioner submitted that just because of previous enmity of the informant's side with some of the accused in the case, he has been falsely implicated in the case. It was submitted that there is no eye witness to the incident and further that the deceased had met with an accident while driving his motorcycle and few injuries on the head being lacerated wound and blood coming out from ear and nose also indicate that due to impact of falling from the motorcycle the same had resulted. Learned counsel submitted that the name of the petitioner has not been disclosed by any independent witness and all of them are hearsay witnesses. Learned counsel submitted that similarly situated co-accused Ranjeet Singh and Rajan Bari have been granted pre-arrest bail by a coordinate bench by order dated 09.05.2019 in Cr. Misc. No. 9470 of 2019. It was submitted that the petitioner has no criminal antecedent. Learned counsel submitted that he has been named only because of the false notion that the petitioner was a supporter of Amit Singh, who is said to be the main person responsible for the assault, but the same is not true as the petitioner had also, on 22.05.2018, i.e., the same day at 00.40 AM, filed Rasulpur PS



Case No. 64 of 2018 against Amit Singh and others alleging murderous attack and another person Vinod Singh had also lodged a case against Amit Singh and others, on the same day at 00.30 AM, being Rasulpur PS Case No. 63 of 2018, for assault, whereas the present case has been lodged at 05.30 PM.

6. Learned APP, from the case diary, submitted that the informant and other relatives have supported the prosecution story. However, he could not controvert that there is no eye witness and further that the injury is restricted to three lacerated wounds on the head and one lacerated wound on the knee and further that independent witnesses have not taken the name of the petitioner and also that he is similarly situated to Ranjeet Singh and Rajan Bari.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Siwan in Darondha (M.H. Nagar) PS Case No. 92 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure,



1973. Further (a) one of the bailors shall be a close relative of the petitioner, (b) the petitioner and the bailors shall give an undertaking and execute bond with regard to good behaviour of the petitioner. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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