

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31271 of 2021

Arising Out of PS. Case No.-159 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

KAMESHWAR SINGH Son of Late Kapildeo Singh Resident of Village -
Deokali, P.S. - Mohania, District - Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bandana Singh, Advocate

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-11-2021 Let the defect(s), if any, as pointed out by the

Office, be removed within four weeks of start of normal

functioning of the physical Court.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

The petitioner seeks regular bail in connection with
Mohania P.S. Case No.159 of 2020 registered for the offence
under Sections 302/34 of the IPC .

As per prosecution case, all the accused persons
including the petitioner assaulted the father of the informant. It
has further been alleged that co-accused Govind Singh rode on
the chest of the informant's father due to which he died.

Learned counsel for the petitioner submits that the
petitioner has got clean antecedent and he has falsely been



implicated in this case. He further submits that petitioner and deceased happens to be first cousin and there is admitted land dispute with regard to ancestral property. He further submits that there is no assault against the petitioner and specific allegation of assault is against co-accused Govind Singh. He further submits that similarly situated co-accused Govind Singh has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 35281 of 2020 vide order dated 01.02.2021. Petitioner is in custody since 06.02.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail.

In the facts and circumstances of the case, the above named petitioner is directed to 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 learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S. Case no. 159 of 2020 with following conditions:-

(i) 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.



(ii) 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.

(iii) 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.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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