

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36173 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- BANIAPUR District- Saran

1. NITU DEVI Wife of Uday Singh Resident of Village - Beruie, Police Station - Baniyapur, District- Saran.
2. Uday Singh Son of Chandrama Singh Resident of Village - Beruie, Police Station - Baniyapur, District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Syed Ashfaque Ahmad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Baniyapur P.S. Case No. 93 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 336, 324, 307 and 302 of the IPC.

According to prosecution case, on 11.04.2020 at about 9:00 AM., the petitioners along with other accused having armed with weapon came to the informant and started abusing



him. On hearing the sound of noise, the family members of the informant also came there. The accused persons assaulted the father of the informant by means of lathi, danda and rod. The accused persons also assaulted the mother and brother of the informant. On hue and cry, the people of the vicinity came there and injureds were taken to hospital for treatment where doctor declared the informant's father dead.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. Learned counsel further submits that there is land dispute between the parties. He further submits that there is general and omnibus allegation against all the accused including the petitioners. No specific overt-act has been alleged against the petitioners. Charge sheet has been submitted in this case against the petitioners. Learned counsel further submits that co-accused Awadhesh Singh has been granted bail by a co-ordinate Bench of this court vide order dated 26.07.2021 passed in Cr. Misc. No. 1619 of 2021. Petitioners are in custody since 14.09.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as



well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XI, Saran in connection with Baniyapur P.S. Case No. 93 of 2020, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

shahzad/-

U		T	
---	--	---	--

