

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34354 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- BIDUPUR District- Vaishali

Mukesh Singh Son of Ram Balak Singh Resident of Village- Majlishpur, P.S.-
Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh, Advocate
For the Informant	:	Mr. Yugal Kishore, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bidupur P.S. Case No. 153 of 2020 instituted for the offences
under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 24.03.2021, charge-sheet has been
submitted in the case and is a person with clean antecedent.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the allegation against this petitioner is of abusing
the brother of the informant while he was passing in front of his
house. Thereafter it is alleged that co-accused Sanjay Rai



assaulted the brother of the informant namely, Ritesh Kumar by sword on the head due to which he died while going for treatment to P.M.C.H.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that against this petitioner it is alleged that he abused the brother of the informant and no overt act has been alleged against him of assaulting the deceased and this petitioner is a person with clean antecedent and is languishing in custody.

Learned counsel for the informant submits that during the course of investigation one of the witnesses, namely, Rambabu Singh has stated before the police that the deceased was assaulted by this petitioner along with Sanjay Rai.

Learned counsel for the petitioner submits that informant is an eye-witness to the occurrence and when the own brother of the deceased has not attributed any overt act against this petitioner that in itself shows that during the course of investigation the witnesses were trying to implicate this petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody



since 24.03.2021, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and no overt act has been alleged against him in the F.I.R., let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 153 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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