

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37281 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- JALALPUR District- Saran

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UMESH SINGH S/o Late Rameshwar Singh Resident of Village- Suksena,
P.S.- Jalalpur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with S.Tr. No. 289 of 2021 arising out of Jalalpur P.S. Case No. 12 of 2021 registered for the offence under Sections 302, 120(B) and 34 of the Indian Penal Code.

On account of land dispute, one Pankaj Singh assaulted the husband of the informant on his neck by way of sword as a result of which he sustained sharp cutting injury on his neck and he died during course of treatment.

Learned counsel appearing for the petitioner submits



that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, no specific allegation of assault is attributed to this petitioner rather the specific allegation of giving sword blow on the neck of husband of the informant is attributed to co-accused, namely, Pankaj Singh. There is no eye witness to the alleged occurrence. Moreover, the co-accused, namely, Manager Rai and Saban Ray @ Saban Rai having more or less similar allegation, have already been granted bail by this Court vide order dated 29.11.2021 passed in Cr. Misc. No. 32944 of 2021. One another co-accused, namely, Satya Narayan Rai has also been granted bail by this Court vide order dated 03.12.2021 passed in Cr. Misc. No. 36150 of 2021. The petitioner, being an old man having age of 70 years, is rotting in judicial custody since 13.01.2021

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 A.D.J.-VII, Saran at Chapra in connection with S.Tr. No. 289 of 2021 arising out of Jalalpur P.S. Case No. 12 of 2021 with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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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