

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29166 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- TARARI District- Bhojpur

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1. DASAI SINGH Son of Gauri Shankar Singh Resident of Village- Wrsi, P.S.- Tarari, District- Bhojpur.
 2. Butan Singh @ Murari Singh Son of Late Bhorik Singh Resident of Village- Wrsi, P.S.- Tarari, District- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Rai,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 15-01-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking regular bail in connection with Tarari P.S. Case No. 04 of 2020 registered for the offences punishable under Sections 354(A), 354(B), 341, 323, 307, 337, 338, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the FIR while the informant's father-in-law was on way, he was abused and assaulted by Pappu Singh, Dasai Singh (petitioner no. 1) Munna Singh and when the informant's husband went to rescue them Butan Singh (petitioner no. 2) and Umesh Singh caused injury on the head of her father-in-law and caused injury on the hands of her husband. It is further alleged that when the informant went to rescue then she was abused and her blouse was torn.



Learned counsel submits that there are general and omnibus allegations against nine FIR named accused persons. The post mortem report of the deceased shows only one injury on the head of the deceased and as such it is not clear who has caused that injury. It is further submitted that there is the counter version of the alleged occurrence also. The petitioner no. 1 and petitioner no. 2 are in custody since 02.02.2020 and 21.02.2020 respectively. It is further submitted that informant's husband recorded his fardbeyan in which he has made specific allegation against co-accused Jitendra Singh.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein the informant has alleged that the co-accused Pappu Singh (petitioner no. 1) and co-accused Munna Singh had surrounded her father-in-law and had assaulted him and then her husband was also assaulted by co-accused-petitioner no. 2 and one Umesh Singh and then it is further alleged that they had also assaulted her father-in-law, but the husband of the informant in his fardbeyan recorded at P.M.C.H. (Annexure '3') has made specific allegation of assault against co-accused Jitendra Singh, the post mortem report is showing only one injury on the head of the deceased, there is a counter case (Annexure '2') registered on the same date giving another version of the alleged occurrence and that the learned APP after going through the case diary is unable to show that there are independent witnesses



saying that these two petitioners had committed the overt act, let the petitioners who are in judicial custody since 02.02.2020 and 21.02.2020 and against whom investigation is complete be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Tarari P.S. Case No. 04 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 bonds 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.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

