

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29171 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- BARHIYA District- Lakhisarai

1. SANJEET SINGH @ SANJIT KUMAR Son of Late Krishnandan Singh Resident of Village-Khutahadih, P.S.-Barahiya, District-Lakhisarai.
2. Rajeev Singh @ Rajeev Kumar Son of Late Krishnandan Singh Resident of Village-Khutahadih, P.S.-Barahiya, District-Lakhisarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Ajit Kumar, Advocate
For the State	:	Mr. Amitesh Kumar, APP
For the Informant	:	Mr. Onkar Nath, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 26-02-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners, in the present case, are seeking regular bail in connection with Barahiya P.S. Case No. 79 of 2020 registered for the offence under Sections 147, 148, 149, 307, 323 and 341 of the Indian Penal Code but later on Section 302 of the Indian Penal Code has also been added.

Learned counsel for the petitioners submits that the petitioners and the victim side are co-sharers and the dispute seems to have taken place on some household issues. The allegation against the accused persons named in the F.I.R. is that all of them had assaulted the victim who later on succumbed to



injury and died.

Learned counsel submits that in course of investigation it has transpired that only one injury was there on the body of the victim and the said injury has been attributed specifically to co-accused Rocky Singh in the supervision note of the S.D.P.O. Lakhisarai. It is for this reason that his bail application in Cr. Misc. No. 35012 of 2020 has been dismissed by this Court.

So far as these two petitioners are concerned, no specific injury has been attributed to them and as such they deserve privilege of regular bail. They are in custody since 17.04.2020, investigation against them is complete and they are ready to abide by such terms and conditions which may be imposed by this Court for purpose of bail.

Learned counsel further submits that earlier while filing the application for grant of bail inadvertently it could not be stated that both the petitioners have got one case each on their head. Learned counsel submits that this has been inadvertently happened because the deponent who is the wife of the petitioner no. 1 got married to petitioner no. 1 in the year 2008 and she has specifically stated in paragraph '6' of the show cause that she had



no knowledge about the earlier case and there was no occasion for the petitioner no. 1 to tell her about the pending cases. It is submitted that considering the fact that the dispute in this case has taken place on petty issue in the family and the petitioners are not like other criminals who have got antecedent, the non-disclosure of one case against each of the two petitioners may be condoned particularly considering that the deponent is a lady and she is illiterate.

Learned counsel for the informant as well as learned A.P.P. for the State have though opposed the prayer for regular bail of the petitioners, they accept the factual position that the I.O. who was present in this case on the last date has disclosed with reference to the injury report that only one injury was found on the body of the deceased and that has been attributed to the co-accused Rocky Singh. Although initially learned counsel for the informant tried to persuade this Court to take a view against the deponent for not disclosing the criminal antecedent of the petitioners but very soon learned counsel for the informant realised that the deponent is an illiterate young lady and her averment that after her marriage she was not disclosed about the case pending against her husband.

Having regard to the facts and circumstances of the



case, in the nature of the materials discussed hereinabove, let the petitioners above named 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, Lakhisarai in connection with Barahiya P.S. Case No. 79 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 antecedents 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 bond in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

The application stands disposed of.

(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'.

