

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30224 of 2020

Arising Out of PS. Case No.-416 Year-2020 Thana- ARA NAWADA District- Bhojpur

VIJAY SINGH @ VIJAY KUMAR SINGH, S/o Late Hari Narayan Singh,
Resident of Village-New Pawan Ganj, Bihari Mill, P.S.-Arrah Nawada,
District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv.
	:	Mr. Saket Kumar, Adv.
	:	Mr. Rakesh Singh, Adv.
For the State	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-01-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302, 201, 120 (B)/34 of the Indian Penal Code.

The prosecution case in brief is that one Kabita Kumari gave a written application on 29.05.2020 stating therein that she married Shyamal Kishore Singh (deceased) in the year 2012 and since marriage she was subjected to cruelty for dowry. About 2 months ago her “Dewar” Gopal Singh and “Bhaisur” Vijay Singh (petitioner) assaulted her so she went to her father house at Aurangabad. On 29.05.2020 she received a message on her



phone that her husband was murdered with sharp cutting weapon and the dead body has also been burnt at some undisclosed location. It is further stated that the informant more her 4 years old son was told about this and this has been done to garb the property of her husband's share.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The deceased was mentally ill for which he was in constant touch with one Deva Institute of Health Care and Research Pvt. Ltd. At Varanasi and since lockdown in March he could not consult the doctors and due to this reason his condition deteriorated. So this petitioner came to village and in the night of 28.05.2020 deceased attacked her mother and the petitioner and by for he was captured. This was the reason all three got injured anyhow deceased was taken to Varanasi for treatment but he died there, so informant and others were informed and he was cremated at Varanasi. This fact has been stated in supervision report of S.D.P.O, Sadar, Ara and he found the case true u/s 304 of the I.P.C. He further submits that charge sheet has been submitted u/s 304 of the I.P.C. against the petitioner. The petitioner is in custody since 31.05.2020.

Learned counsel for the informant submits that the mother



and the petitioner have not found any injury. During course of investigation, blood-stained stick (lathi), blood stained aluminum stick like object and blood-stained fasool have been recovered from the house of the petitioner. He further submits that there is suspicion against the petitioner and there is no eye witness in this case. Charge sheet has been submitted u/s 304 of the I.P.C.

Learned APP for the State opposes the prayer for bail of the petitioner.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charge** on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Arrah Nawada P.S. Case No. 416/2020 to the satisfaction of the learned C.J.M., Bhojpur at Ara, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on



two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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