

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.288 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- HAJIPUR District- Vaishali

PREM SINGH SON OF SUDIN SINGH Resident of Village - Dighi Khurd,
P.S.- Hajipur Town, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Madhura Nand Jha, learned APP for the State.

Learned counsel for the petitioner files the supplementary affidavit on behalf of the petitioner. Let it be taken on record.

The petitioner in the present case is seeking regular bail in connection with Hajipur Town P.S. Case No. 78 of 2020 registered for the offences punishable under Sections 341, 323, 325, 363, 365, 384, 504/34 of the Indian Penal Code and Section 27 of the Arms Act in which Section 302 and 201 of the Indian Penal Code was added later on.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was working on the land belonging to his father-in-law, the accused persons named in the FIR



arrived there with five unknown persons and demanded Rs.2 lakhs as *rangdari* on the point of pistol for construction of new house. It is alleged that when his brother came to rescue him the accused persons assaulted and injured him. The accused Rahul Singh assaulted the informant on the leg causing fracture injury. It is further alleged that Rahul Singh snatched mobile phone from his brother's pocket. It is alleged that Kumar Neeraj @ Pappu who came to save him was also assaulted and they took away him with themselves. The accused persons fled away after firing in the air and extending threat to kill the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has been made accused in the name of brother of co-accused Rahul Singh. There is no specific allegation against him. The informant has made allegation against five unknown persons also who had allegedly arrived at the place of occurrence lased with lathi, danda and iron rod. It is further submitted that co-accused Anil Kumar and Rahul Singh have already been granted bail. The petitioner is in custody since 11.09.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that



the petitioner has been falsely implicated in this case by introducing his name as brother of co-accused Rahul Singh, there is no specific allegation against the petitioner, the dead body was found on the land of co-accused Anil Kumar, the allegation is also against five unknown persons who had allegedly come lased with lathi, danda and iron rod and further submission that co-accused Anil Kumar as well as Rahul Singh have already been granted privilege of bail, the case of the petitioner stands on a better footing from that of co-accused, he has remained in jail since 11.09.2020, investigation against him is complete and there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 78 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 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.

The application stands 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'.

