

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6402 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- DARIYAPUR District- Saran

1. JAI PRAKASH SINGH @ OM PRAKASH SINGH SON OF SATYA NARAYAN SINGH RESIDENT OF VILLAGE- SAMASPURA, POLICE STATION- DARIYAPUR, DISTRICT- SARAN AT CHAPRA.
2. SHIVNATH SINGH @ SHIVJEE SON OF SATYA NARAYAN SINGH RESIDENT OF VILLAGE- SAMASPURA, POLICE STATION- DARIYAPUR, DISTRICT- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 13-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioners seek bail in Dariyapur P.S. Case No. 265 of 2020, registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of the I.P.C.

As per the prosecution case, on the alleged date and time of occurrence, while the informant alongwith his father's friends Sudarsan Singh and Ram Jivan Singh were sitting at his house, in the meanwhile, 32 FIR named accused persons including 10-15 unknown persons, including these two petitioners, armed with weapons, surrounded the house of informant. It is further alleged that the accused persons caught



hold of Sudarsan Singh and tied him around an electric pole and assaulted him with lathi and danda, as a result of which, he became unconscious. It is further alleged that when son of Sudarsan Singh namely Ram Jivan Singh came to save his father, he was also assaulted by accused persons. It is further alleged that when the incident was reported to the police, the police came and took the injured persons to the hospital, where Sudarsan Singh was declared dead.

It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case due to land dispute between the parties and prior to filing of the present case, co-accused Basanti Devi has already filed a case, vide Dariyapur P.S. Case No. 263 of 2020, against the informant and his family members for forcibly taking possession of land. It is further submitted that no specific overt act has been attributed against these petitioners, rather there is general and omnibus allegation against all the 32 FIR named persons and 10-15 unknown persons, including these petitioners. Petitioners have got clean antecedent and are in custody since 07.08.2020.

Considering the general and omnibus allegation of assault against these petitioners and petitioners have got clean antecedent, the bail application of petitioners is allowed.



Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 13th, Saran at Chapra in connection with Dariyapur P.S. Case No. 265 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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