

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1337 of 2021

Arising Out of PS. Case No.-91 Year-2019 Thana- PHULWARIYA District- Gopalganj

BIHARI SINGH @ BIHARI SAH @ BIHARILAL SINGH Son of Late
Shivjee Singh @ Late Shivji Singh Resident of Village- Jataha, Police
Station- Phulwaria, Distt- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Buxi S.R.P.Sinha, Sr. Advocate
Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 22-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Senior Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Phulwaria (Fulwaria) PS Case No. 91 of 2019 registered under Sections 302 and 34 of the IPC.

While husband of the informant had stored some bamboos for undertaking construction, the accused persons, including the petitioner, have assaulted the prosecution party.

Learned Senior Counsel for the petitioner submits that the occurrence in fact occurred on the heat of the moment and in the process the informant's husband has sustained injuries which led to his death. He was also suffering cardiac ailment. The postmortem



report (Annexure 2) does not support the allegation development during course of investigation regarding the petitioner pressing the neck of the deceased Sanjay Singh with his leg. The petitioner is in custody since 24.9.2020. He is accused in two other cases since before, as per details contained in para 3. He undertakes to appear at the trial on day to day basis and other co-accused have been allowed bail in Cr. Misc. Nos. 78863 of 2019 and 82116 of 2019.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Gopalganj in Phulwaria PS Case No. 91 of 2019. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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