

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4501 of 2021

Arising Out of PS. Case No.-440 Year-2020 Thana- AMARPUR District- Banka

SATYAPAL SINGH ALIAS SATPAL SINGH SON OF SHAMBHU SINGH
RESIDENT OF VILLAGE TELIYA, POLICE STATION-FULLIDUMAR,
DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Dasrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Amarpur (Fullidumar) P.S. Case No. 440 of 2020 registered under sections 302, 379 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., it is stated by the informant that he received information on 2.8.2020 at 5:30 AM that his son had been shot and blood was oozing out of his neck. It is further stated that on enquiry from his son, his son disclosed the name of eight accused persons including the petitioner herein that they called him to their house and thereafter they shot him in his vehicle and took away the mobile



phone and Rs.20,000/. It is stated that he took his son to the Bhagalpur hospital from where, after treatment, he was referred to and ultimately his son died in course of treatment at Patna. It is finally stated that his son died as a result of land dispute.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. The petitioner has been falsely implicated in the case. Although, the occurrence is said to have taken place on 2.8.2020 at 5:30 pm, no information was given to the police authorities for more than 48 hours till 4.8.2020 at 11 pm. It is submitted that the allegation is falsified from the post mortem report wherein, in the post mortem examination conducted on 5.8.2020 at 8:30 am, the time since death has been stated to be within 12 to 24 hours. Thus, the death took place some time after 4.8.2020 at 8:30 am whereas the case in the F.I.R. is of the alleged occurrence having taken place on 2.8.2020 at 5:30 pm. Investigation in the case has concluded. The allegations against the petitioner are general and omnibus in nature. The petitioner has no criminal antecedent and is in custody since 5.8.2020.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and



taking into consideration the submissions made on behalf of the petitioner together with the petitioner having remained in custody for over 10 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Amarpur (Fullidumar) P.S. Case No. 440 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate/Successor Court, Banka.

(Partha Sarthy, J)

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