

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4591 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- SRINAGAR District- West Champaran

ISHWAR SINGH SON OF NATHU SINGH R/O VILL.- PUJAHAN TAND
TOLA, P.S.- SRI NAGAR, PUJAHAN, DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s	:	Ms. Nirmala Kumari
For the Informant	:	Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-07-2021 . 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 Counsel for the petitioner and the learned APP for the State as well as the learned Counsel for the informant.

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 Sri Nagar Pujahan PS Case No. 44 of 2020 registered under Sections 302, 120B and 34 of the IPC.

The FIR alleges that co-accused Ramayan Singh, Kishor Singh and the petitioner have taken husband of the informant for dinner to Ramayan Singh's house. The informant thereafter visited Ramayan Singh's house and found several persons, including the petitioner, sitting there watching TV. Next morning the dead body of informant's husband has been recovered from the house of Ramayan Singh.

Learned Counsel for the petitioner submits that the



petitioner is in custody since 17.8.2020. There is no eye witness to the occurrence. There is a subsisting land dispute of the petitioner with the deceased in the recent past and that there was a *Panchayati* also in respect of the same. The petitioner has thus been implicated in this case. Even as per FIR, the victim had gone to the house of Ramayan Singh and his dead body has been recovered from his house itself. Co-accused Ramayan Singh and Sambhu Sah have been allowed bail in Cr. Misc. Nos. 38016 of 2020 and 41055 of 2020. The petitioner is on bail in the earlier three cases pending against him as per para 3 of the bail petition. One of the said cases is also lodged by the same informant. Submission is of multiple implication based on extraneous consideration.

Learned Counsel for the informant and the learned APP have opposed the prayer for bail. It is submitted that the motive was specifically found to be against the petitioner for commission of the offence. He along with other co-accused persons have taken the informant's husband for dinner to Ramayan Singh's house and therefore petitioner's guilt is evident from the materials collected during course of investigation. It is further submitted by the learned Counsel for the informant that the trial is under progress and the petitioner should be made to cooperate in expeditious disposal of the trial.

The Court would observe that the petitioner would be obliged to appear in the trial on day to day basis and the Court should take all possible steps for expeditious disposal of the same without giving undue adjournments.

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 Sri Raj Kumar, Judicial Magistrate, 1st Class, West Champaran at Bettiah in Sri Nagar



Pujahan PS Case No. 44 of 2020 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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